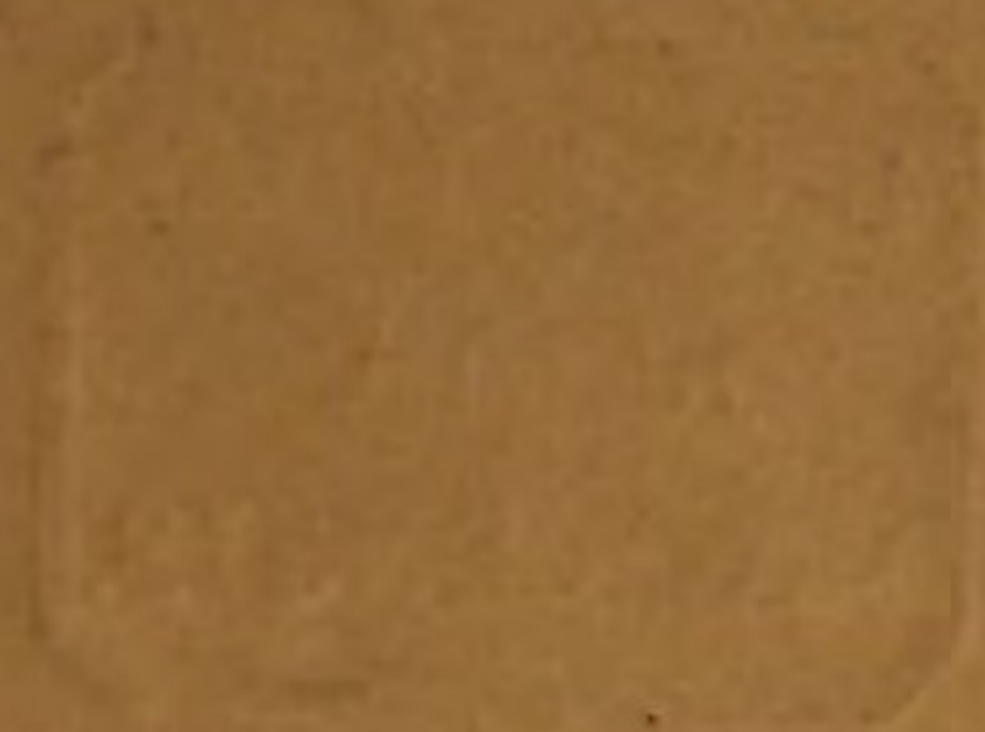


J. rel. 1726
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Consolidation



THE CONSOLIDATION AND REVISION
OF THE
COMMISSIONERS OF THE
STATUTES OF THE STATE,
(of Louisiana)

OF

A GENERAL NATURE

PREPARED BY

LEVI PEIRCE,
MILES TAYLOR,
Wm. W. KING, } Commissioners appointed
by the State.

FEBRUARY 5th, 1852.

NEW ORLEANS.

PRINTED AT THE BEE OFFICE.

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1852.

BIBLIOTHECA
REGIA
MONACENSIS.

REPORT
OF THE
COMMISSIONERS FOR THE REVISION
OF THE
STATUTES AND CODES OF THE STATE.

The undersigned, commissioners appointed under the act of 20th of December, 1848, to consolidate and revise the statutes and codes of the State, respectfully submit to the General Assembly of the State of Louisiana the following report :

The commissioners, immediately after their appointment, met for the purpose of making arrangements for the proper and speedy discharge of the duty entrusted to them.

The act under which they were appointed made it their duty—

1st To consolidate and revise the statutes of a general nature in force in the State.

2d. To compile the statutes of a local character.

3d. To revise the codes.

The most cursory examination made it apparent that the work to be done to carry out the design of the Legislature, in time to report the same to the General Assembly at its next session, could only be accomplished by a division of the labor amongst the members of the commission. Such a division was accordingly determined upon.

The next subject which engaged their attention, was the adoption of a plan for the arrangement of the matter embraced in the contemplated undertaking. This would have prevented great difficulty, if the commissioners had been left to their own discretion in the choice of the most advisable arrangement; but the clause in the second section of the act, prohibiting any change in the original texts of the codes, and requiring the amendments to be placed immediately after the original text, relieved them from all responsibility and embarrassment, as to the arrangement of the codes, and restricted their inquiry to the arrangement most suitable for the consideration and revision of the Statutes of a general nature. Facility of reference to the laws, was deemed the most important consideration in determining this inquiry.

The alphabetical arrangement of subjects has generally been thought the most convenient for reference, and as it had been used in all the previous Digests of our laws, and had the advantage of familiarity, it was adopted. The Statutes of a general nature, embraced in the several titles agreed upon, were allotted to the different commis-

sioners, to be by them respectively consolidated and revised ; viz : to Mr. King, accounts, advertisements, aliens, apprentices, attorneys at law, attorney general, district attorneys, auctioneers ; brands of animals, bills of exchange and promissory notes, births and deaths, board of health : census, cities, (including New Orleans and Lafayette,) commissioners to take testimony and authentication of documents, corporations, coroner, crimes and offences, criminal proceedings ; deaf and dumb, divorce, domicil and residence ; education, elections, engineer.

To Mr. Peirce, family meeting, fees, ferries, fines, firemen and fires, free people of color ; guagers, government—seat of and house ; governor ; harbor master, impeachments, innkeepers, insolvent laws, insane asylum, insane persons, inspection laws, interest, internal improvements ; judiciary and judicial officers, judicial proceedings, jury, justices of the peace ; landlord and tenants, laws, lands, legislature, library, lotteries ; magazine for powder, married and unmarried women, militia, minors and tutors, monition, mortgages, notaries, oaths and offices and officers.

To Mr. Taylor, partnership, pedlars and hawkers, physicians and apothecaries, pilots, police jury, printer of the State, prisons, recorders and recording, reporter, revenue, roads and levees ; seamen, slander and libel, slaves, steamboats, statistics, successions, surveyors ; telegraph magnetic, treasury department ; vagrants ; weighers of hay, and weights and measures.

A similar division was made of the statutes of a local nature to be compiled.

To Mr. King were assigned those subjects comprised from the letter A. to E. inclusive.

To Mr. Peirce those from F to O, inclusive.

To Mr. Taylor, those from P to the end of the alphabet.

For the revision of the Codes, Mr. King was charged with the portion comprised in the Civil Code, from article 1749 to 2954, and in the Code of Practice from article 362 to 758.

Mr. Peirce, with those in the Civil Code, from article 1 to 886, and from 2954 to 3245 ; and in the Code of Practice from article 1 to 362.

Mr. Taylor, with those in the Civil Code, from article 866 to 1749, and in the Code of Practice, from article 758 to 1161.

With regard to the compilation of the local statutes, the arrangement of it was suggested by what was understood to be the meaning of the word. The subjects were arranged alphabetically, and the laws under each head were inserted in chronological order.

The commissioners have done the work undertaken by them respectively, in as complete a manner it is believed as the circumstances would permit.

In the execution of the consolidating and revising the statutes it was found that subjects ran into each other, and it was often difficult to determine under what head a particular law should be embraced. Owing to this the same provisions of law were frequently inserted under different heads. For instance, the crimes and offences of white persons in relation to slaves will be found inserted under the

head of crimes and offences ; and also under the head of slaves. The subject might appropriately be embraced under either head, but should not be twice inserted in the same work. The commissioners designed reviewing the work for the purpose of making the necessary transpositions and corrections, but found it impossible to do so in time to report to the present session of the Legislature. They are still desirous of an opportunity of thus reviewing their respective works, and as a means of doing so without retarding the final completion, and definitive action of the Legislature upon their labors, they would respectfully make the following suggestions.

Let the commissioners be authorized to publish within a reasonable time, a cheap edition of the work in a complete form; a portion of the edition to be distributed among the officers of the State, a portion to be sold at a remunerating price to the State, and the remainder to be kept on hand for the use of the next session of the Legislature.

By pursuing this course the work will be published as it should be, under the supervision of those who have prepared it.

The public will have had an opportunity of examining the work before the Legislature will be called upon to act on it definitively. If there be errors in the work, they may thus be discovered and corrected; if omissions, they can then be supplied.

Another important advantage is, that the work may thus be placed in the hands of the public about as soon as if the Commissioners had presented it in a complete form to the present Legislature. Unless the course above recommended be adopted, the appearance of the work must be long delayed. It may be two years before the Commissioners would have an opportunity of presenting their Report to the Legislature. When presented in the best manuscript form, it could not be examined in the short space of time fixed by the Constitution for the sessions of the Legislature. The adoption of the work would then probably be postponed two years longer. This would make four years, from this time, before the work could be acted on definitively. The course suggested by the Commissioners, it is thought, would in a great measure obviate this long delay.

In submitting the result of their labour, the commissioners feel that they owe it to the General Assembly, to the public, and to themselves, to state that they are persuaded the republication of the Codes in their present shape, with the particular amendments appended, would be attended with no advantages at all proportioned to the expense it would occasion, and that the publication of much that has been embodied by them in their compilation of the Local Statutes, may with great propriety be dispensed with.

Since the adoption of the Civil Code there have been many legislative enactments modifying the provisions contained in it. In some instances particular articles have been repealed, in some they have been amended, but in far the greater number of instances, the modifications it has undergone result from the passage of acts relating to analogous subjects, and containing provisions which are either new and additional to those of the Code, or are inconsistent with them. Without attempting an enumeration of these instances, they refer only to

the act of 1830, relating to Tutors of Minors. The acts of 1826, p. 136, of 1837, p. 95, of 1840, p. 123, of 1842, p. 300, and of 1843, relating to successions, and the act of 1844, relating to the privilege of mechanics and the furnishers of materials, and the acts of 1834, p. 123, and of 1848, relative to prescription, in illustration of them.

The same remarks apply to the Code of Practice, but with greater force. Not only have some articles been repealed and others amended, and new modes of proceedings been established, such for instance as those relating to monitions with respect to Judicial sales, but much that is contained in it ceases to have any application to the existing state of things, in consequence of a change in our whole judicial system made by the new Constitution.

There are now no Parish Courts. There are no Probate Courts. The jurisdiction of the Supreme Court is greatly enlarged, and in consequence of these changes, there are not only a great number of individual articles, but some entire sections, which, though not specially referred to in any statute, have been repealed or greatly modified, by the legislation growing out of them. If the Code of Practice were republished in its present shape, it would not only contain much that is not law, but there would be much wanting in it, which is necessary to a right understanding of the mode of proceeding in several important branches of practice. No instances of detail would make this more evident than by the mere reference to Title Third of the Code of Practice, a very considerable portion of which has been repealed, and to the various acts of 1846, relating to the duties and powers of clerks with respect to successions, and to the duties and powers of Justices of the Peace, and the modes of proceeding before them; to the act of 1834 relating to Monitions, and the various acts amending it, which would be omitted, and would have to be sought after in the Digest of the "Statutes" of a general nature.

In the opinion of the commissioners, the articles of the codes which have been repealed, either distinctly or by implication, should be omitted; those amended should be changed so as to conform to the amendments made; new provisions relating to the subjects treated of in them, should be incorporated with the old ones; and when the existing articles have been affected by acts inconsistent with them, they should be changed and modified so as to give expression to the law as it is, before any re-publication should be made. Such a course would be attended with great advantages. It would obviate the danger that persons, who have not made the law a study, should be misled by the appearance of provisions which do not give expression to the law as it is; and it would besides have the effect of removing from the digest many scattered provisions relating to subjects treated of in the codes, so as to unite them to their kindred provisions, and thus present them together under a single head.

The commissioners have compiled all the local laws in force, and a great number that are perhaps not embraced under that appellation. Of those compiled by them there are many that it is not necessary to publish. That is certainly the case with those relating to churches, academies, charitable societies, the incorporation of towns

or villages, &c. &c., and it may be well doubted, whether such as relate to roads, are of sufficient general importance to justify their publication. The number of local laws on the subject of roads in particular, is extraordinary, and when their bulk is considered, the question as to the propriety of publishing them merits consideration.

The commissioners have incurred necessary expenses in the execution of the work, for copying, printing, clerk hire, books, stationery, &c., to the amount of sixteen hundred and eighty dollars, the vouchers for which they are ready to submit if called for. In conclusion, they would respectfully ask your honorable body to take such action on the subject as shall be deemed right and proper.

LEVI PEIRCE,
MILES TAYLOR,
WM. W. KING.

AN ACT

TO PROVIDE FOR THE REVISION AND CONSOLIDATION OF THE STATUTES AND CODES OF THE STATE.

Section 1. The Governor shall nominate by and with the advice and consent of the Senate, appoint three persons learned in the law, to consolidate and revise the Statutes and Codes.

Sect. 2. It shall be the duty of such persons to revise the Codes, and to consolidate and revise the Statutes of a general nature in force in this State, and to compile the Statutes of a local character; and to adopt some arrangements as their own judgment may determine; and to report the same to the General Assembly at its next session for its further action; provided that no change shall be made in the original text of the Codes, and the amendments shall be placed immediately after the original text.

Sect. 3. That the sum of twelve thousand dollars be, and the same is hereby appropriated, for the payment of the persons appointed as aforesaid, of which said sum fifteen hundred dollars shall be payable in six months after the passage of this act, three thousand dollars in nine months after said passage, and the balance after the work shall be submitted to and delivered into the possession of the General Assembly; said sums to be paid on the warrant of said persons, except the last payment which shall not be made without a certificate from the speaker of the House of Representatives and the President of the Senate, that the work has been submitted to and approved by the General Assembly.

Act. of Dec. 20th, 1848.

AN ACT

IN RELATION TO THE DIGEST OF THE LAWS OF THE STATE.

Section 1. That the Commissioners appointed under the act of

Digest Commissioners authorized to publish their work.

the twentieth of December, eighteen hundred and forty-eight, entitled "An act to provide for the revision and consolidation of the statutes and codes of the State," or a majority of said Commissioners be, and are hereby authorized to contract forthwith with the State Printer, at the rate allowed by law for public printing, for the publication of a cheap edition of fifteen hundred copies of their work, as reported by them to the General Assembly, of the statutes of a general nature, including the laws of the present session, adopting such arrangement of matter and form as to them shall be deemed advisable, with a copious index of the same; Provided that such portions of the Code shall only be published as are amended, or in any way modified

Delivery of said work to the Secretary of State.

Sect. 2. That said Commissioners shall have said work ready for delivery to the Secretary of State, on or before the first of December, eighteen hundred and fifty, and so soon as the same is delivered to the Secretary of the State, he shall deliver one

Distribution of the copies of said work.

copy to every general State officer, one copy to each member of the Legislature, one copy to each Judge, Clerk, Sheriff, Recorder and Justice of the Peace in the State, and five hundred copies shall be kept for the use of the State, and the balance of the edition to be sold at such price as may be agreed on between the Commissioners and the Secretary of State.

Sums which said commissioners are allowed to draw.

Sect. 3. That the Commissioners be authorized to draw from the State Treasury immediately after the passage of this act, one half of the balance of the appropriation yet unpaid, made by the said act, approved twentieth of December, eighteen hundred and forty-eight, and said amount be paid by the State Treasurer, on the warrant of the Auditor of Public Accounts.

Act of March 21st, 1850.

ERRATA.

P. 565 omitted in the 2nd and 3rd lines of Sec. 26, the words "before the 10th of March, 1847."

570 omitted in the 9th line of Sec., 9. the words, "in Sec. 17."

575 The words "Treasury Department," inserted by mistake.

CONSTITUTION

OF THE

UNITED STATES OF AMERICA.

WE THE PEOPLE OF THE UNITED STATES, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.

ARTICLE 1.

SECTION 1.

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a senate and house of representatives.

Legislative powers vested in Congress.

SECTION 2.

1. The house of representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

House of Representatives, its members, by whom chosen, qualifications of electors.

2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Qualifications of representatives.

3. Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

Rule of apportioning representatives or direct taxes

Enumeration every ten years.

Limitation of the ratio of representation.

First apportionment of representatives.

4. When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

Writs of election to fill vacancies.

House of representatives to elect a speaker.

5. The house of representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

SECTION 3.

The senators chosen by the legislature of each state for six years, each a vote.

1. The senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.

Senate divided into three classes.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

One third of the seats vacant every ten years.

The executive of a state, to fill vacancies in the recess of a legislature.

3. No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

Qualifications of senators.

President of the senate.

4. The vice president of the United States shall be president of the senate, but shall have no vote, unless they be equally divided.

Senate to choose their officers.

5. The senate shall choose their other officers, and also a president pro tempore, in the absence of the vice president, or when he shall exercise the office of president of the United States.

Trial of impeachments.

6. The senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside: and no person shall be convicted without the concurrence of two-thirds of the members present.

Extent of judgment in cases of impeachment.

Party liable also to judgment according to law.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

SECTION 4.

Elections for senators and representatives, how regulated.

1. The times, places and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

Congress to assemble annually.

2. The congress shall assemble at least once in every year, and such meeting shall be on the first monday in December, unless they shall by law appoint a different day.

SECTION 5.

Each house to judge of the election of its own members.

1. Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Each house may determine its own rules.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one fifth of those present, be entered on the journal.

Journals.

Yeas and nays.

4. Neither house, during the session of congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Adjournment of both houses.

SECTION 6.

1. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

Compensation of senators and representatives.

Privileged from arrest.

2. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

Concerning the holding of offices by senators and representatives.

SECTION 7.

1. All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments as on other bills.

Revenue bills.

2. Every bill which shall have passed the house of representatives and the senate, shall, before it become a law, be presented to the president of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such re-consideration two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be re-considered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the congress by their adjournment prevent its return, in which case it shall not be a law.

Power and duty of the president in relation to bills.

Proceedings on bills returned by the president.

3. Every order, resolution, or vote to which the concurrence of the senate and house of representatives may be necessary [except on a question of adjournment] shall be presented to the

Joint resolutions, except for adjournment, to receive the same sanction as bills.

president of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be re-passed by two-thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION 8.

1. The congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States :
Congress have power to lay taxes.
2. To borrow money on the credit of the United States :
To borrow money.
3. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes :
To regulate commerce.
4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States :
To establish the rule of naturalization.
5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures :
To coin money.
6. To provide for the punishment of counterfeiting the securities and current coin of the United States :
To provide for punishing counterfeiters.
7. To establish post offices and post roads :
To establish post offices.
8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries :
To promote science.
9. To constitute tribunals inferior to the supreme court :
To constitute inferior tribunals.
10. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations :
To punish felonies committed on the high seas, &c.
11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water :
To declare war.
12. To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years :
To raise armies.
13. To provide and maintain a navy :
To provide a navy.
14. To make rules for the government and regulation of the land and naval forces :
To make rules for governing forces.
15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions :
To provide for calling forth the militia.
16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia, according to the discipline prescribed by congress :
To provide for organizing the militia.
17. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock yards, and other needful buildings : and
To exercise exclusive legislation over a district not exceeding ten miles square.
18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other
To make laws necessary for the execution of their powers.

powers vested by this constitution in the government of the United States, or in any department or officer thereof.

SECTION 9.

1. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the congress prior to the year one thousand and eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

Importation of certain persons not to be prohibited, prior to 1808.

2. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

Writ of habeas corpus.

3. No bill of attainder or ex post facto law shall be passed.

No bill of attainder or ex post facto law.

4. No capitation, or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

Direct taxes according to census.

5. No tax or duty shall be laid on articles exported from any state. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to, or from, one state, be obliged to enter, clear, or pay duties in another.

No export duty, nor preference of one state to another in commerce.

6. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

Money to be expended by legal appropriation only.

7. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince or foreign state.

No title of nobility can be conferred by the U. States, nor can its officers accept presents, &c.

SECTION 10.

1. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

Powers prohibited to the individual states.

2. No state shall, without the consent of the congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the nett produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the congress. No state shall, without the consent of congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

Powers which the states can exercise only under the sanction of congress.

ARTICLE II.

SECTION 1.

1. The executive power shall be vested in a president of the United States of America. He shall hold his office during the term of four years, and, together with the vice president, chosen for the same term, be elected as follows:

Executive power vested in a president.

Electors of president and vice-president.

2. Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the congress; but no senator or representative or person holding an office of trust or profit under the United States, shall be appointed an elector.

Meeting of the electors.

Their proceedings.

3. The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the president, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose by ballot one of them for president; and if no person have a majority, then from the five highest on the list the said house shall in like manner choose the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the president, the person having the greatest number of votes of the electors shall be the vice-president. But if there should remain two or more who have equal votes, the senate shall choose from them by ballot the vice-president. [*Annulled, see amendments, article 12.*]

Congress may determine the time of choosing electors.

4. The congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

Qualifications for president.

5. No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this constitution, shall be eligible to the office of president; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In what cases the duties of president shall devolve on the vice-president, &c.

6. In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice-president, and the congress may by law provide for the case of removal, death, resignation, or inability, both of the president and vice-president, declaring what officer shall then act as president, and such officer shall act accordingly, until the disability be removed, or a president shall be elected.

Compensation of the president.

7. The president shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he

shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation : President to take an oath.

"I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States, and will to the best of my ability, preserve, protect and defend the constitution of the United States." Form of oath.

SECTION 2.

1. The president shall be commander in chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States ; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment. Powers of the president.

2. He shall have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur ; and he shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law ; but the congress may by law vest the appointment of such inferior officers, as they think proper, in the president alone, in the courts of law, or in the heads of departments. Powers which he may exercise with the advice and consent of the senate.

3. The president shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session. Congress may vest certain appointments in the president alone, or otherwise.

SECTION 3.

1. He shall from time to time give to the congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient ; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper ; he shall receive ambassadors and other public ministers ; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States. The president may fill vacancies during the recess of the senate.

SECTION 4.

1. The president, vice-president and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of treason, bribery, or other high crimes and misdemeanors. Duties of the president.

ARTICLE III.

SECTION 1.

1. The judicial power of the United States, shall be vested in one supreme court, and in such inferior courts as the congress may from time to time ordain and establish. The judges, both of President and other officers removeable on impeachment & conviction.

Judicial power vested in a supreme court.

the supreme and inferior courts, shall hold their offices during good behaviour; and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

SECTION 2.

Extent of judicial power.

1. The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states; between a state and citizens of another state; between citizens of different states; between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects. [*See a restriction of this provision, amendments, article 11.*]

Original and appellate jurisdiction of the supreme court.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the congress shall make.

Trial of crimes, except in cases of impeachment, to be by a jury.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the congress may by law have directed.

SECTION 3.

Treason defined.

Evidence.

1. Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Punishment of treason.

2. The congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

ARTICLE IV.

SECTION 1.

Faith to be given in one state to the public acts, &c. of another.

Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

Reciprocity of citizenship through out the states.

SECTION 2.

1. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

Criminals flying from one state to another, to be delivered up on demand.

2. A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

3. No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Runaway slaves &c. to be delivered up.

SECTION 3.

1. New States may be admitted by the congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned as well as of the congress.

Admission of new states into the union.

2. The congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

Power of Congress over territories and other property of the United States.

SECTION 4.

The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

Guarantee and protection of each state by the United States.

ARTICLE V.

The congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the congress: *Provided* that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

Mode of amending the constitution.

ARTICLE VI.

1. All debts contracted and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution, as under the confederation.

Assumption of debts incurred under the constitution

2. This constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United states, shall be the supreme law of the land; and the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding.

This constitution, acts of congress and treaties, to be the supreme law of the land.

3. The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this con-

Senators, representatives, &c. bound by oath or affirmation to support this constitution.

No religious test.

stitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

Ratification of nine states sufficient.

The ratification of the conventions of nine states, shall be sufficient for the establishment of this constitution between the states so ratifying the same.

Done in convention by the unanimous consent of the states present the seventeenth day of September in the year of our Lord one thousand seven hundred and eighty-seven and of the Independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names,

GEORGE WASHINGTON.

*President, and Deputy from Virginia.**New Hampshire.*JOHN LANGDON,
NICHOLAS GILMAN.*Massachusetts.*NATHANIEL GORHAM,
RUFUS KING.*Connecticut.*WILLIAM SAMUEL JOHNSON,
ROGER SHERMAN.*New York.*

ALEXANDER HAMILTON.

*New Jersey.*WILLIAM LIVINGSTON,
DAVID BREARLEY,
WILLIAM PATERSON,
JONATHAN DAYTON.*Pennsylvania.*BENJAMIN FRANKLIN,
THOMAS MIFFLIN,
ROBERT MORRIS,
GEORGE CLYMER,
THOMAS FITZSIMONS,
JARED INGERSOLL,
JAMES WILSON,
GOUVERNEUR MORRIS.*Attest.**Delaware.*GEORGE READ,
GUNNING BEDFORD, Jun.
JOHN DICKINSON,
RICHARD BASSETT,
JACOB BROOM.*Maryland.*JAMES M'HENRY,
DAN. OF ST. THOMAS JENIFER,
DANIEL CARROLL.*Virginia.*JOHN BLAIR,
JAMES MADISON, Jun.*North Carolina.*WILLIAM BLOUNT,
RICHARD DOBBS SPAIGHT,
HU. WILLIAMSON.*South Carolina.*J. RUTLEDGE,
CHA'S COTESWORTH PINCKNEY,
CHARLES PINCKNEY,
PIERCE BUTLER.*Georgia.*WILLIAM FEW,
ABR. BALDWIN.WILLIAM JACKSON, *Secretary.*

AMENDMENTS

TO THE

CONSTITUTION OF THE UNITED STATES.

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Congress not to interfere with religion, with freedom of speech, of the press and the right of petition.

ARTICLE II.

A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

Right of the people to keep and bear arms.

ARTICLE III.

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Quartering of soldiers.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Security against unreasonable searches and seizures.

ARTICLE V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; not shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Presentment or indictment, &c. in criminal prosecutions.

Right of private property.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

Rights of the accused in all criminal prosecutions.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in

Right of trial by jury in suits at common law.

any court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Excessive bail and fines and cruel punishments prohibited.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

Rights enumerated not to disparage those retained.

The enumeration in the constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

Powers not delegated, &c. are reserved to the states or people.

The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

ARTICLE XI.

Restriction of judicial powers.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

ARTICLE XII.

Mode of electing the president and vice president of the United States.

1. The electors shall meet in their respective states, and vote by ballot for president and vice-president, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice-president, and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate; the president of the senate shall, in presence of the senate and house of representatives, open all the certificates and the votes shall then be counted; the person having the greatest number of votes for president, shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice-president shall act as president, as in the case of the death or other constitutional disability of the president.

2. The person having the greatest number of votes as vice-president, shall be the vice-president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the senate shall choose the vice president; a quorum for the pur-

pose shall consist of two thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of president shall be eligible to that of vice-president of the United States.



TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

FRENCH REPUBLIC.

The president of the United States of America and the first consul of the French Republic, in the name of the French people, desiring to remove all sources of misunderstanding relative to objects of discussion mentioned in the second and fifth articles of the convention of the eighth Vendemiaire, an nine (thirtieth September, one thousand eight hundred) relative to the rights claimed by the United States, in virtue of the treaty concluded at Madrid, the the twenty-seventh October, one thousand seven hundred and ninety-five, between his catholic majesty and the said United States, and willing to strengthen the union and friendship which at the time of the said convention was happily re-established between the two nations, have respectively named their plenipotentiaries, to wit: the president of the United States of America, by and with the advice and consent of the senate of the said states, Robert R. Livingston, minister plenipotentiary of the United States, and James Monroe, minister plenipotentiary and envoy extraordinary of the said states, near the government of the French Republic; and the first consul, in the name of the French people, citizen Francis Barbe Marbois, minister of the public treasury, who, after having respectively exchanged their full powers, have agreed on the following articles:

ARTICLE I.

Country ceded.

WHEREAS, by the article the third of the treaty concluded at St. Ildelfonso, the 9th Vendemiaire, an 9. (1st October, 1800) between the first Consul of the French Republic, and his Catholic majesty, it was agreed as follows: "His Catholic majesty promises and engages on his part, to cede to the French Republic, six months after the full and entire execution of the conditions and stipulations herein relative to his royal highness the duke of Parma, the colony or province of Louisiana, with the same extent that it now has in the hands of Spain and that it had when France possessed it; and such as it should be after the treaties subsequently entered into between Spain and other states." *And whereas*, in pursuance of the treaty, and particularly of the third article, the French Republic has an incontestible title to the domain and to the possession of the said territory: the First Consul of the French Republic desiring to give to the United States a strong proof of his friendship, doth hereby cede to the United States, in the name of the French Republic, forever and in full sovereignty, the said territory with all its rights and appurtenances, as fully and in the same manner as they have been acquired by the French Republic in virtue of the above mentioned treaty concluded with his Catholic majesty.

ARTICLE II.

In the cession made by the preceding article are included the adjacent islands belonging to Louisiana, all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices which are not private property. The archives, papers and documents, relative to the domain and sovereignty of Louisiana and its dependencies, will be left in the possession of the commissaries of the United States, and copies will be afterwards given in due form to the magistrates and municipal officers of such of the said papers and documents as may be necessary to them.

Lands, archives,
records, &c.

ARTICLE III.

The inhabitants of the ceded territory shall be incorporated into the union of the United States, and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States; and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.

Incorporation
into the union.

ARTICLE IV.

There shall be sent by the government of France a commissary to Louisiana, to the end that he do every act necessary, as well to receive from the officers of his Catholic majesty the said country and its dependencies, in the name of the French Republic, if it has not been already done, as to transmit it in the name of the French Republic to the commissary or agent of the United States.

French commis-
sioner to be sent.

ARTICLE V.

Immediately after the ratification of the present treaty by the president of the United States, and in case that of the First Consul shall have been previously obtained, the commissary of the French Republic shall remit all the military posts of New Orleans, and other parts of the ceded territory, to the commissary or commissaries named by the president to take possession; the troops, whether of France or Spain, who may be there shall cease to occupy any military post from the time of taking possession, and shall be embarked as soon as possible, in the course of three months after the ratification of this treaty.

Delivery of pos-
session.

ARTICLE VI.

The United States promise to execute such treaties and articles as may have been agreed between Spain and the tribes and nations of Indians, until by mutual consent of the United States and the said tribes or nations, other suitable articles shall have been agreed upon.

Indian treaties.

ARTICLE VII.

As it is reciprocally advantageous to the commerce of France and the United States to encourage the communication of both nations for a limited time in the country ceded by the present treaty, until general arrangements relative to the commerce of both nations may be agreed on; it has been agreed between the con-

Commerce with
France and Spain.

tracting parties, that the French ships coming directly from France or any of her colonies, loaded only with the produce or manufactures of France or her colonies, and the ships of Spain coming directly from Spain or any of her colonies, loaded only with the produce or manufactures of Spain or her colonies, shall be admitted during the space of twelve years in the port of New Orleans, and in all other legal ports of entry within the ceded territory, in the same manner as the ships of the United States coming directly from France or Spain or any of their colonies, without being subject to any other or greater duty on merchandise, or other or greater tonnage than those paid by the citizens of the United States.

During the space of time above mentioned, no other nation shall have a right to the same privileges in the ports of the ceded territory; the twelve years shall commence three months after the exchange of ratifications, if it shall take place in France, or three months after it shall have been notified at Paris to the French government, if it shall take place in the United States; it is, however, well understood, that the object of the above article is to favor the manufactures, commerce, freight and navigation of France and of Spain, so far as relates to the importations that the French and Spanish shall make into the said ports of the United States, without in any sort affecting the regulations that the United States may make concerning the exportation of the produce and merchandise of the United States, or any right they may have to make such regulations.

ARTICLE VIII.

Ships of France
treated upon the
footing of the
most favoured na-
tions.

In future and forever after the expiration of the twelve years, the ships of France shall be treated upon the footing of the most favored nations in the ports above mentioned.

ARTICLE IX.

Convention.

The particular convention signed this day by the respective ministers, having for its object to provide for the payment of debts due to the citizens of the United States by the French Republic, prior to the thirtieth of September, one thousand eight hundred, (eighth Vendemiaire, nine,) is approved, and to have its execution in the same manner as if it had been inserted in the present treaty, and it shall be ratified in the same form and in the same time, so that the one shall not be ratified distinct from the other.

Another particular convention, signed at the same date as the present treaty, relative to a definitive rule between the contracting parties, is in the like manner approved and will be ratified in the same form and in the same time, and jointly.

ARTICLE X.

Ratification.

The present treaty shall be ratified in good and due form, and the ratification shall be exchanged in the space of six months after the date of the signatures by the ministers plenipotentiaries, or sooner if possible.

IN FAITH WHEREOF, the respective plenipotentiaries have signed these articles in the French and English languages; declaring,

nevertheless, that the present treaty was originally agreed to in the French Language; and have thereunto put their seals.

Done at Paris, the tenth day of Floreal, in the eleventh year of the French Republic, and the thirtieth April, one thousand eight hundred and three.

ROBERT R. LIVINGSTON, [L. S.]
JAMES MONROE, [L. S.]
F. BARBE-MARBOIS. [L. S.]

ACTS OF CONGRESS IN RELATION

TO THE

STATE OF LOUISIANA.

1. AN ACT *to enable the people of the Territory of Orleans to form a Constitution and State Government, and for the admission of such State into the Union, on an equal footing with the original States, and for other purposes.*

(Approved, February 16, 1811.)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the inhabitants of all that part of the territory or country ceded under the name of Louisiana, by the treaty made at Paris, on the thirtieth day of April, one thousand eight hundred and three, between the United States and France, contained within the following limits, that is to say: beginning at the mouth of the river Sabine, thence by a line to be drawn along the middle of said river, including all islands to the thirty-second degree of latitude; thence, due north to the northernmost part of the thirty-third degree of north latitude; thence along the said parallel of latitude to the river Mississippi; thence down the said river to the river Iberville; and from thence along the middle of the said river and lakes Maurepas and Ponchartrain, to the Gulf of Mexico, thence bounded by the said gulf to the place of beginning, including all islands within three leagues of the coast, be, and they are hereby authorized to form for themselves a constitution and state government, and to assume such name as they may deem proper, under the provisions and upon the conditions hereinafter mentioned. Limits of the territory.

SECTION 2. All free white male citizens of the United States, who shall have arrived at the age of twenty-one years, and resided within the said territory at least one year previous to the day of election, and shall have paid a territorial, county, district or parish tax; and all persons having in other respects the legal qualifications to vote for representatives in the general assembly of the territory thereof, shall be, and they are hereby authorized to choose representatives to form a convention, who shall be apportioned amongst the several counties, districts and parishes within the said territory of Orleans, in such manner as the legisla- Elective franchise how regulated.

ture of the said territory shall by law direct. The number of the representatives shall not exceed sixty; and the election for representatives aforesaid shall take place on the third Monday in September next, and shall be conducted in the same manner as is now provided by the laws of said territory for electing members for the house of representatives.

Convention to
meet at New Or-
leans.

Proviso.

Other proviso.

SECTION 3. The members of the convention, when duly elected, shall be, and they are hereby authorized to meet in the city of New Orleans, on the first Monday of November next, which convention, when met, shall first determine, by the majority of the whole number elected, whether it be expedient or not, at that time, to form a constitution or state government, for the people within the said territory, and if it be determined to be expedient, then the convention shall in like manner declare, in behalf of the people of the said territory, that it adopts the constitution of the United States; whereupon the said convention shall be, and hereby is authorized to form a constitution and state government, for the people of the said territory: *Provided*, the constitution to be formed, in virtue of the authority herein given, shall be republican, and consistent with the constitution of the United States; that it shall contain the fundamental principles of civil and religious liberty; that it shall secure to the citizens the trial by jury in all criminal cases, and the privilege of the writ of *habeas corpus*, conformably to the provisions of the constitution of the United States, and that after the admission of the said territory of Orleans as a state in the Union, the laws which such state may pass shall be promulgated, and its records of every description shall be preserved, and its judicial and legislative written proceedings conducted in the language in which the laws and the judicial and legislative written proceedings of the United States are now published and conducted: *And provided also*, that the said convention shall provide by an ordinance, irrevocable without the consent of the United States, that the people inhabiting the said territory do agree and declare, that they do forever disclaim all right or title to the waste or unappropriated lands, lying within the said territory; and that the same shall be and remain at the sole and entire disposition of the United States; and moreover, that each and every tract of land, sold by congress, shall be and remain exempt from any tax, laid by the order or under the authority of the state, county, township, parish, or any other purpose whatever, for the term of five years from and after the respective days of the sales thereof, and that the lands belonging to the citizens of the United States residing without the said state, shall never be taxed higher than the lands belonging to persons residing therein; and that no taxes shall be imposed on lands, the property of the United States.

Convention to
send to Congress
the act assenting
to the adoption of
the constitution of
the United States.

SECTION 4. In case the convention shall declare its assent in behalf of the people of the said territory, to the adoption of the constitution of the United States, and shall form a constitution and state government for the people of the said territory of Orleans, the said convention, as soon thereafter as may be, is hereby required to cause to be transmitted to congress, the instrument

by which its assent to the constitution of the United States is thus given and declared, and also a true and attested copy of such constitution or frame of state government, as shall be formed and provided by said convention, and if the same shall not be disapproved by congress, at their next session after the receipt thereof, the said state shall be admitted into the Union, upon the same footing with the original states.

SECTION 5. Five per centum of the nett proceeds of the sales of the public lands of the United States, after the first day of January, shall be applied in laying out and constructing public roads and levees in the said state, as the legislature thereof may direct.

Sum reserved for roads.

2. AN ACT for the admission of the State of Louisiana into the Union, and to extend the laws of the United States to the said state.

(Approved, April 8th, 1812.)

WHEREAS, the representatives of the people of all that part of the territory or country ceded, under the name of "Louisiana," by the treaty made at Paris, on the 30th day of April, one thousand eight hundred and three, between the United States and France, contained within the following limits, that is to say: beginning at the mouth of the river Sabine; thence, by a line to be drawn along the middle of said river, including all islands to the thirty-second degree of latitude; thence, due north to the northernmost part of the thirty-third degree of north latitude; thence along the said parallel of latitude, to the river Mississippi; thence, down the said river to the river Iberville; and from thence, along the middle of the said river, and lakes Maurepas and Ponchartrain, to the Gulf of Mexico; thence bounded by the said Gulf, to the place of beginning, including all islands within three leagues of the coast; did, on the twenty-second day of January, one thousand eight hundred and twelve, form for themselves a constitution and state government; and give to the said state the name of Louisiana, in pursuance of an act of Congress, entitled "An act to enable the people of the territory of Orleans to form a constitution and state government, and for the admission of the said state into the Union, on an equal footing with the original states, and for other purposes:" And the said constitution having been transmitted to congress, and by them being hereby approved: therefore,

Preamble

SECTION 1. BE it enacted by the senate and house of representatives of the United States of America in congress assembled,

That the said state shall be one, and is hereby declared to be one of the United States of America, and admitted into the Union on an equal footing with the original states, in all respects whatever, by the name and title of the state of Louisiana: *Provided* That it shall be taken as a condition upon which the said state is incorporated into the Union, that the river Mississippi, and the navigable rivers and waters leading into the same, and into the Gulf of Mexico, shall be, common highways, and forever free, as well to the inhabitants of the said state as to the inhabitants of other states and the territories of the United States, without any

Louisiana to be admitted into the Union as an independent state.

Proviso.

tax, duty, impost or toll therefor, imposed by the said state, and that the above condition, and also all other the conditions and terms contained in the third section of the act, the title whereof is herein before recited, shall be considered, deemed and taken, fundamental conditions and terms, upon which the said state is incorporated in the Union.

To have one representative in the house of representatives till otherwise provided.

SECTION 2. Until the next general census and apportionment of representatives, the said state shall be entitled to one representative in the house of representatives of the United States; and all the laws of the United States, not locally inapplicable, shall be extended to the said state, and shall have the same force and effect within the same, as elsewhere within the United States.

The said state shall form one district, and be called the Louisiana district, in which shall be established a district court to consist of one judge

Terms of court.

Jurisdiction to be exercised by the judge of said court.

His salary.

Power of appointing his clerk.

Attorney for the United States to be appointed in the said district, and his salaries.

Marshal, also his salary.

SECTION 3. The said state, together with the residue of that portion of country which was comprehended within the territory of Orleans, as constituted by the act, entitled "An act erecting Louisiana into two territories, and providing for the temporary government thereof," shall be one district, and be called the Louisiana district; and there shall be established in the said district, a district court, to consist of one judge, who shall reside therein, and be called the district judge; and there shall be, annually, four stated sessions of the said court held at the city of Orleans; the first to commence on the third Monday in July next, and the three other sessions progressively, on the third Monday of every third calendar month thereafter. The said judge shall, in all things, have and exercise the same jurisdiction and powers, which by the act, the title whereof is in this section recited, were given to the district judge of the territory of Orleans; and he shall be allowed an annual compensation of three thousand dollars, to be paid quarter yearly at the treasury of the United States. The said judge shall appoint a clerk of the said court, who shall reside and keep the records of the court, in the city of Orleans, and shall receive for the services performed by him, the same fees heretofore allowed to the clerk of the Orleans territory.

SECT. 4. There shall be appointed in the said district, a person learned in the law, to act as attorney for the United States, who shall, in addition to his stated fees, be paid six hundred dollars, annually, as a full compensation for all extra services. There shall also be appointed a marshal for the said district, who shall perform the same duties, be subject to the same regulations and penalties, and be entitled to the same fees to which marshals in other districts are entitled for similar services; and shall, moreover, be paid two hundred dollars annually, as a compensation for all extra services.

This act not to produce the repeal of a former one.

SECT. 5. Nothing in this act shall be construed to repeal the fourth section of an act, entitled "An act for laying and collecting duties on imports and tonnage within the territories ceded to the United States, by the treaty of the thirtieth of April, one thousand eight hundred and three, between the United States and the French Republic; and for other purposes;" and the collection district shall be and remain as thereby established.

When this act all be in force.

SECT. 6. This act shall commence and be in force from and after the thirtieth day of april, 1812.

3. AN ACT *to enlarge the limits of the State of Louisiana.*
(Approved, April 14th, 1812.)

SECT. 1. *Be it enacted by the senate and house of Representatives of the United States of America in congress assembled,* That in case the legislature of the state of Louisiana shall consent thereto, all that tract of country comprehended within the following bounds, to wit: beginning at the junction of the Iberville, with the river Mississippi; thence along the middle of the Iberville, the river Amite, and of the lakes Maurepas and Pontchartrain to the eastern mouth of the Pearl river; thence up the eastern branch of Pearl river to the thirty first degree of north latitude; thence along the said degree of latitude to the river Mississippi; thence down the said river to the place of beginning, shall become and form a part of the said state of Louisiana, and be subject to the constitution and laws thereof, in the same manner, and for all intents and purposes as if it had been included within the original boundaries of the said state.

Limits of the state enlarged.

SECT. 2. It shall be incumbent on the legislature of the state of Louisiana, in case they consent to the incorporation of the territory aforesaid, within their limits, at their first session, to make provision by law for the representation of the said territory in the legislature of the state, upon the principles of the constitution, and for the securing to the people of the said territory, equal rights, privileges, benefits and advantages, with those enjoyed by the people of the other parts of the state; which law shall be liable to revision, modification and amendment by congress, and also in the manner provided for the amendment of the state constitution, but shall not be liable to change or amendment by the legislature of the state.

Legislature to make provision for the representation of the people and territory thus incorporated.

A RESOLUTION *giving the assent of the Legislature to an enlargement of the limits of the State of Louisiana.*

(Approved, August 4, 1812.)

Resolved by the Senate and House of Representatives of the State of Louisiana, in general assembly convened, That whereas the senate and house of representatives of the United States of America, in congress assembled, by an act entitled "an act to enlarge the limits of the state of Louisiana," have provided, that in case the legislature of the state of Louisiana shall consent thereto, all that tract of country comprehended within the following bounds, to wit: beginning at the junction of the Iberville with the river Mississippi; thence along the middle of the Iberville, the river Amite, and of the lakes Maurepas and Pontchartrain to the mouth of the Pearl river; thence up the eastern branch of Pearl river to the thirty-first degree of north latitude; thence along the said degree of latitude to the river Mississippi; thence down the said river to the place of beginning, shall become and form a part of the said state of Louisiana, and be subject to the constitution and laws thereof, in the same manner and for all intents and purposes, as if it had been included within the original boundaries of said state:

Be it therefore resolved and it is hereby resolved, That the

senate and house of representatives of the state of Louisiana, in general assembly convened, do approve of and consent to the enlargement of the limits of the said state of Louisiana, in manner as provided by the above in part recited act of Congress, hereby declaring that the same shall forever be and remain a part of the state of Louisiana.



CONSTITUTION

OF THE

STATE OF LOUISIANA.

ADOPTED IN CONVENTION, MAY 14, 1845.



PREAMBLE.

We, the People of the State of Louisiana, do ordain and establish this Constitution.

TITLE I.

DISTRIBUTION OF POWERS.

ART. 1. The powers of the Government of the State of Louisiana shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy, to wit: those which are legislative to one; those which are executive to another, and those which are judicial to another.

The different departments of Government.

ART. 2. No one of these departments nor any person holding office in one of them shall exercise power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

To remain separate.

TITLE II.

LEGISLATIVE DEPARTMENT.

ART. 3. The Legislative power of the State shall be vested in two distinct branches, the one to be styled the "House of Representatives," the other "the Senate," and both "the General Assembly of the State of Louisiana."

Legislative power vested in the House of Representatives and Senate.

ART. 4. The members of the House of Representatives shall continue in service for the term of two years from the day of the closing of the general elections.

Term of Representatives.

ART. 5. Representatives shall be chosen on the first Monday in November, every two years; and the election shall be completed in one day. The General Assembly shall meet every second year, on the third Monday in January next ensuing the election, unless a different day be appointed by law, and their sessions shall be held at the seat of Government.

Time of Election.

ART. 6. No person shall be a Representative who, at the time of his election is not a free white male, and has not been for three years a citizen of the United States, and has not attained the age of twenty-one years and resided in the state for the three years next preceding the elec-

Qualifications of member.

tion, and the last year thereof in the parish for which he may be chosen.

Election precincts.

ART. 7. Elections for Representatives for the several parishes or Representative districts shall be held at the several election precincts established by law. The Legislature may delegate the power of establishing election precincts to the parochial or municipal authorities.

Apportionment of representation.

ART. 8. Representation in the House of Representatives shall be equal and uniform, and shall be regulated and ascertained by the number of qualified electors. Each parish shall have at least one Representative: no new parish shall be created with a territory less than six hundred and twenty-five square miles, nor with a number of electors less than the full number entitling it to a Representative, nor when the creation of such new parish would leave any other parish without the said extent of territory and number of electors.

The first enumeration to be made by the State authorities under this Constitution shall be made in the year 1847, the second in the year 1855; and the subsequent enumerations shall be made every tenth year thereafter, in such manner as shall be prescribed by law for the purpose of ascertaining the total population and the number of qualified electors in each parish and election district.

At the first regular session of the Legislature after the making of each enumeration, the Legislature shall apportion the representation amongst the several parishes and election districts on the basis of qualified electors as aforesaid. A representative number shall be fixed, and each parish and election district shall have as many representatives as the aggregate number of its electors will entitle it to, and an additional Representative for any fraction exceeding one half the representative number. The number of Representatives shall not be more than one hundred nor less than seventy.

Representative Districts in the Parish of Orleans.

That part of the parish of Orleans situated on the left bank of the Mississippi shall be divided into nine representative districts, as follows, viz:

1st. First district to extend from the line of the parish of Jefferson to the middle of Benjamin, Estelle and Thalia streets.

2d. Second district to extend from the last mentioned limits to the middle of Julia street, until it strikes the New Orleans canal, thence down said canal to the lake.

3d. Third district to comprise the residue of the Second Municipality.

4th. Fourth district to extend from the middle of Canal street to the middle of St. Louis street, until it reaches the

Metairie road, thence along said road to the New Orleans canal.

5th. Fifth district to extend from the last mentioned limits to the middle of St. Philip street, thence down said street until its intersection with the bayou St. John, thence along the middle of said bayou until it intersects the Metairie road, thence along said road until it reaches St. Louis street.

6th. Sixth district to be composed of the residue of the First Municipality.

7th. Seventh district from the middle of Esplanade street to the middle of Champs Elysées street.

8th. Eighth district from the middle of Champs Elysées street to the middle of Enghien street and Lafayette Avenue.

9th. Ninth district from the middle of Enghien street and Lafayette Avenue to the lower limits of the parish.

ART. 9. The House of Representatives shall choose its Speaker and other officers.

Speaker and other officers of House of Representatives

ART. 10. In all elections by the people every free white male who has been two years a citizen of the United States, who has attained the age of twenty-one years, and resided in the State two consecutive years next preceding the election, and the last year thereof in the parish in which he offers to vote, shall have the right of voting: *Provided*, That no person shall be deprived of the right of voting who at the time of the adoption of this Constitution was entitled to that right under the Constitution of 1812. Electors shall, in all cases except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance at, going to, or returning from elections.

Right of suffrage.

ART. 11. Absence from the State for more than ninety consecutive days, shall interrupt the acquisition of the residence required in the preceding article unless the person absenting himself shall be a house-keeper, or shall occupy a tenement for carrying on business, and his dwelling-house or tenement for carrying on business shall be actually occupied during his absence, by his family or servants, or some portion thereof, or by some one employed by him.

Residence, acquisition of.

ART. 12. No soldier, seaman or marine in the army or navy of the United States, no pauper, no person under interdiction, nor under conviction of any crime punishable with hard labor, shall be entitled to vote at any election in this State.

Certain persons not allowed the right of suffrage.

ART. 13. No person shall be entitled to vote at any election held in this State, except in the parish of his residence,

Every person to vote in the Parish of his residence.

and in cities and towns divided into election precincts, in the election precinct in which he resides.

Senators term.
Term of the officers of the Senate.

ART. 14. The members of the Senate shall be chosen for the term of four years. The Senate, when assembled, shall have the power to choose its officers every two years.

Senatorial districts

ART. 15. The Legislature in every year in which they shall apportion representation in the House of Representatives, shall divide the State into senatorial districts. No parish shall be divided in the formation of a senatorial district, the parish of Orleans excepted. And whenever a new parish shall be created, it shall be attached to the senatorial district from which most of its territory was taken, or to another contiguous district, at the discretion of the Legislature; but shall not be attached to more than one district. The number of senators shall be thirty-two, and they shall be apportioned among the senatorial districts according to the total population contained in the several districts: *Provided*, That no parish shall be entitled to more than one-eighth of the whole number of senators.

Number of Senators.

Representation of the City of New Orleans.

ART. 16. In all apportionments of the Senate, the population of the city of New Orleans shall be deducted from the population of the whole State, and the remainder of the population divided by the number twenty-eight, and the result produced by this division shall be the senatorial ratio entitling a senatorial district to a Senator. Single or contiguous parishes shall be formed into districts having a population the nearest possible to the number entitling a district to a Senator; and if in the apportionment to be made, a parish or district fall short of or exceed the ratio, one-fifth, then a district may be formed having not more than two Senators, but not otherwise.

No new apportionment shall have the effect of abridging the term of service of any Senator already elected at the time of making the apportionment.

After an enumeration has been made as directed in the eighth article, the Legislature shall not pass any law until an apportionment of representation in both Houses of the General Assembly be made.

Senators classed and lots to be drawn.

ART. 17. At the first session of the General Assembly, after this Constitution takes effect, the Senators shall be equally divided by lot into two classes; the seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year; so that one-half shall be chosen every two years, and a rotation thereby kept up perpetually. In case any district shall have elected two or more Senators, said Senators shall vacate their seats respect-

ively at the end of two and four years, and the lots shall be drawn between them.

ART. 18. No person shall be a Senator who at the time of his election has not been a citizen of the United States ten years, and who has not attained the age of twenty-seven years, and resided in the State four years next preceding his election, and the last year thereof in the district in which he may be chosen.

Eligibility of Senators.

ART. 19. The first election for Senators shall be general throughout the State, and at the same time that the general election for Representatives is held; and thereafter there shall be biennial elections to fill the place of those whose time of service may have expired.

Elections of Senators.

ART. 20. Not less than a majority of the members of each house of the General Assembly shall form a quorum to do business; but a smaller number may adjourn from day to day, and shall be authorized by law to compel the attendance of absent members.

Quorum.

ART. 21. Each house of the General Assembly shall judge of the qualification, election and returns of its members; but a contested election shall be determined in such manner as shall be directed by law.

Each House to judge of the qualifications and election of its own members.

ART. 22. Each house of the General Assembly may determine the rules of its proceedings, punish a member for disorderly behavior, and with the concurrence of two-thirds, expel a member, but not a second time for the same offence.

ART. 23. Each house of the General Assembly shall keep and publish weekly a journal of its proceedings; and the yeas and nays of its members on any question shall, at the desire of any two of them, be entered on the journal.

Journal of proceedings to be kept by each House.

ART. 24. Each house may punish by imprisonment any person not a member, for disrespectful and disorderly behavior in its presence, or for obstructing any of its proceedings. Such imprisonment shall not exceed ten days for any one offence.

ART. 25. Neither house, during the session of the General Assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

Adjournments.

ART. 26. The members of the General Assembly shall receive from the public treasury a compensation for their services, which shall be four dollars per day during their attendance, going to and returning from the session of their respective houses. The compensation may be increased or diminished by law; but no alteration shall take effect during the period of service of the members of the House of Representatives by whom such alteration shall have been made. No session shall extend to a period

Compensation of members.

Session limited
to sixty days.

beyond sixty days, to date from its commencement, and any legislative action had after the expiration of the said sixty days, shall be null and void. This provision shall not apply to the first Legislature which is to convene after the adoption of this Constitution.

Members of the
Legislature exemp-
ted from arrest.

ART. 27. The members of the General Assembly shall, in all cases except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and going to or returning from the same, and for any speech or debate in either house, they shall not be questioned in any other place.

No member to be
appointed to an of-
fice created or pay
of which has been
increased during
his term.

ART. 28. No senator or representative shall, during the term for which he was elected nor for one year thereafter, be appointed or elected to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased during the time such senator or representative was in office, except to such offices or appointments as may be filled by the elections of the people.

No clergyman,
priest, or teacher
of religious sect to
be member.

ART. 29. No person, while he continues to exercise the functions of a clergyman, priest, or teacher of any religious persuasion, society or sect, shall be eligible to the General Assembly.

No defaulter to
become member.

ART. 30. No person who may at any time have been a collector of taxes, or who may have been otherwise entrusted with public money, shall be eligible to the General Assembly, or to any office of profit or trust under the State Government, until he shall have obtained a discharge for the amount of such collections, and for all public moneys with which he may have been entrusted.

All bills to be
read on three sev-
eral days.

ART. 31. No bill shall have the force of a law until on three several days it be read over in each house of the General Assembly, and free discussion allowed thereon, unless in case of urgency, four-fifths of the house where the bill shall be pending may deem it expedient to dispense with this rule.

Bills for revenue
to originate in the
House.

ART. 32. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills; provided they shall not introduce any new matter under color of an amendment, which does not relate to raising revenue.

Vacancies, how
filled.

ART. 33. The General Assembly shall regulate by law, by whom, and in what manner writs of election shall be issued to fill the vacancies which may happen in either branch thereof.

Confirmation of
Executive appoint-
ments by the Sen-
ate.

ART. 34. A majority of all the members elected to the Senate, shall be required for the confirmation or rejection of officers to be appointed by the Governor, with the ad-

vice and consent of the Senate; and the Senate in deciding thereon, shall vote by yeas and nays, and the names of the Senators voting for and against the appointments respectively, shall be entered on a journal to be kept for that purpose, and made public at the end of each session, or before.

ART. 35. Returns of all elections for members of the General Assembly shall be made to the Secretary of State.

Returns of election of members.

ART. 36. A Treasurer of the State shall be elected biennially, by joint ballot of the two houses of the General Assembly. The Governor shall have power to fill any vacancy that may happen in that office during the recess of the Legislature.

Treasurer of the State.

ART. 37. In the year in which a regular election of a Senator of the United States is to take place, the members of the General Assembly shall meet in the Hall of the House of Representatives, on the Monday following the meeting of the Legislature, and proceed to the said election.

Election of Senator of the United States.

TITLE III.

EXECUTIVE DEPARTMENT.

ART. 38. The Supreme Executive power of the State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of Louisiana. He shall hold his office during the term of four years, and together with the Lieutenant Governor, chosen for the same term, be elected as follows:—The qualified electors for Representatives shall vote for a Governor and Lieutenant Governor, at the time and place of voting for Representatives; the returns of every election shall be sealed up and transmitted by the proper returning officer to the Secretary of State, who shall deliver them to the Speaker of the House of Representatives on the second day of the session of the General Assembly, then next to be holden. The members of the General Assembly shall meet in the House of Representatives, to examine and count the votes. The person having the greatest number of votes for Governor, shall be declared duly elected; but if two or more persons shall be equal and highest in the number of votes polled for Governor, one of them shall immediately be chosen Governor, by joint vote of the members of the General Assembly. The person having the greatest number of votes for Lieutenant Governor, shall be Lieutenant Governor; but if two or more persons shall be equal and highest in the number of votes polled for Lieutenant Governor, one of them shall be immediately chosen Lieutenant Governor by joint vote of the members of the General Assembly.

Governor and Lieutenant Governor, term of office and mode of electing.

Eligibility to the
Office of Governor.

ART. 39. No person shall be eligible to the office of Governor or Lieutenant Governor, who shall not have attained the age of thirty-five years, been fifteen years a citizen of the United States, and a resident within the State for the same space of time next preceding his election.

When the Gov-
ernor shall enter on
the duties of his
office.

ART. 40. The Governor shall enter on the discharge of his duties on the fourth Monday in January next ensuing his election, and shall continue in office until the Monday next succeeding the day that his successor shall have been declared duly elected, and shall have taken the oath or affirmation prescribed by this Constitution.

Cannot serve two
consecutive terms.

ART. 41. The Governor shall be ineligible for the succeeding four years after the expiration of the time for which he shall have been elected.

No member of
Congress, officer of
United States, or
minister of religion
eligible for Govern-
or.

ART. 42. No member of Congress or person holding any office under the United States, or minister of any religious society, shall be eligible to the office of Governor or Lieutenant Governor.

Impeachment of
the Governor.

ART. 43. In case of the impeachment of the Governor, his removal from office, death, refusal or inability to qualify, resignation or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant Governor for the residue of the term, or until the Governor, absent or impeached, shall return or be acquitted. The Legislature may provide by law for the case of removal, impeachment, death, resignation, disability or refusal to qualify, of both the Governor and Lieutenant Governor, declaring what officer shall act as Governor; and such officer shall act accordingly, until the disability be removed, or for the residue of the term.

Salary of Lieu-
tenant Governor or
other officer dis-
charging the duties
of Governor.

ART. 44. The Lieutenant Governor, or other officer discharging the duties of Governor, shall, during his administration, receive the same compensation to which the Governor would have been entitled, had he continued in office.

Lieutenant Gov-
ernor to be Presi-
dent of the Senate.

ART. 45. The Lieutenant Governor shall, by virtue of his office, be President of the Senate, but shall have only a casting vote therein. Whenever he shall administer the Government, or shall be unable to attend as President of the Senate, the Senators shall elect one of their own members as President of the Senate for the time being.

Salary of Lieu-
tenant Governor.

ART. 46. While he acts as President of the Senate, the Lieutenant Governor shall receive for his services the same compensation which shall for the same period be allowed to the Speaker of the House of Representatives, and no more.

Power of grant-
ing reprieves.

ART. 47. The Governor shall have power to grant reprieves for all offences against the State, and except in cases of impeachment, shall, with the consent of the Se-

nate, have power to grant pardons and remit fines and forfeitures, after conviction. In cases of treason he may grant reprieves, until the end of the next session of the General Assembly, in which the power of pardoning shall be vested.

ART. 48. The Governor shall at stated times receive for his services a compensation, which shall neither be increased nor diminished during the term for which he shall have been elected.

Salary of Governor.

ART. 49. He shall be Commander-in-Chief of the Army and Navy of this State and of the Militia thereof, except when they shall be called into the service of the United States.

Commander in chief of the army and navy of the State.

ART. 50. He shall nominate, and by and with the advice and consent of the Senate, appoint all officers whose offices are established by this Constitution, and whose appointment is not therein otherwise provided for: Provided however, that the Legislature shall have a right to prescribe the mode of appointment to all other offices established by law.

The power of appointing to office.

ART. 51. The Governor shall have power to fill vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of the next session, unless otherwise provided for in this Constitution; but no person who has been nominated for office, and rejected by the Senate, shall be appointed to the same office during the recess of the Senate.

The filling of vacancies in offices.

ART. 52. He may require information in writing from the officers in the Executive Department, upon any subject relating to the duties of their respective offices.

Right to require in writing the opinions of Executive officers.

ART. 53. He shall, from time to time, give to the General Assembly information respecting the situation of the State, and recommend to their consideration such measures as he may deem expedient.

Messages to the General Assembly.

ART. 54. He may on extraordinary occasions convene the General Assembly at the seat of Government, or at a different place if that should become dangerous from an enemy or from epidemic; and in case of disagreement between the two houses as to the time of adjournment, he may adjourn them to such time as he may think proper, not exceeding four months.

Powers to convene the General Assembly.

ART. 55. He shall take care that the laws be faithfully executed.

To see the laws executed.

ART. 56. Every bill which shall have passed both houses shall be presented to the Governor; if he approve he shall sign it, if not, he shall return it with his objections to the house in which it originated, which shall enter the objections at large upon its journal, and proceed to reconsider it; if after such reconsideration two-thirds of all the mem-

Shall sign bills.

Veto power.

bers elected to that house shall agree to pass the bill, it shall be sent with the objections to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members elected to that house, it shall be a law; but in such cases the vote of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the General Assembly, by adjournment, prevent its return; in which case it shall be a law, unless sent back within three days after their next meeting.

Every order, resolution or vote of the two houses to be approved by the Governor.

ART. 57. Every order, resolution or vote, to which the concurrence of both houses may be necessary, except on a question of adjournment, shall be presented to the Governor, and before it shall take effect, be approved by him, or being disapproved, shall be repassed by two-thirds of the members elected to each house of the General Assembly.

Secretary of state term of office and duties.

ART. 58. There shall be a Secretary of State, who shall hold his office during the time for which the Governor shall have been elected. The records of the State shall be kept and preserved in the office of the Secretary; he shall keep a fair register of the official acts and proceedings of the Governor, and when necessary shall attest them. He shall, when required, lay the said register, and all papers, minutes and vouchers relative to his office, before either house of the General Assembly, and shall perform such other duties as may be enjoined on him by law.

Commissions how issued.

ART. 59. All commissions shall be in the name and by the authority of the State of Louisiana, and shall be sealed with the State seal and signed by the Governor.

Militia of the State.

ART. 60. The free white men of the State shall be armed and disciplined for its defence; but those who belong to religious societies whose tenets forbid them to carry arms, shall not be compelled so to do, but shall pay an equivalent for personal services.

How organized.

ART. 61. The Militia of the State shall be organized in such manner as may be hereafter deemed most expedient by the Legislature.

TITLE IV.

JUDICIARY DEPARTMENT.

Judicial power vested.

ART. 62. The Judicial power shall be vested in a Supreme Court, in District Courts, and in Justices of the Peace.

Supreme court, its jurisdiction.

ART. 63. The Supreme Court, except in cases herein-after provided, shall have appellate jurisdiction only,

which jurisdiction shall extend to all cases when the matter in dispute shall exceed three hundred dollars, and to all cases in which the constitutionality or legality of any tax, toll or impost of any kind or nature soever, shall be in contestation, whatever may be the amount thereof; and likewise to all fines, forfeitures, and penalties imposed by municipal corporations, and in criminal cases on questions of law alone, whenever the punishment of death or hard labor may be inflicted, or when a fine exceeding three hundred dollars is actually imposed.

ART. 64. The Supreme Court shall be composed of one chief justice and of three associate judges, a majority of whom shall constitute a quorum. The chief justice shall receive a salary of six thousand dollars, and each of the associate judges a salary of five thousand five hundred dollars annually. The said court shall appoint its own clerks. The said judges shall be appointed for the term of eight years.

Supreme Court,
how composed
and salary of
Judges.

ART. 65. When the first appointments are made under this Constitution, the chief justice shall be appointed for eight years, one of the associate judges for six years, one for four years, and one for two years; and in the event of the death, resignation, or removal of any of said judges before the expiration of the period for which he was appointed, his successor shall be appointed only for the remainder of his term: so that the term of service of no two of said judges shall expire at the same time.

Term of office.

ART. 66. The Supreme Court shall hold its sessions in New Orleans from the first Monday of the month of November, to the end of the month of June inclusive. The Legislature shall have power to fix the sessions elsewhere during the rest of the year; until otherwise provided, the sessions shall be held as heretofore.

Sessions where
held.

ART. 67. The Supreme Court and each of the judges thereof, shall have power to issue writs of *habeas corpus*, at the instance of all persons in actual custody under process in all cases in which they may have appellate jurisdiction.

Power to issue
writs of *habeas*
corpus.

ART. 68. In all cases in which the judges shall be equally divided in opinion, the judgment appealed from shall stand affirmed; in which case each of the judges shall give his separate opinion in writing.

When equally
divided in opinion
judgment to be af-
firmed.

ART. 69. All judges, by virtue of their office, shall be conservators of the peace throughout the State. The style of all process shall be "The State of Louisiana." All prosecutions shall be carried on "in the name, and by the authority of the State of Louisiana," and conclude "against the peace and dignity of the same."

Conservators of
the Peace.

Prosecutions how
conducted.

ART. 70. The judges of all courts within this State shall,

Judgment to be
in writing and the
law referred to.

as often as it may be possible so to do, in every definitive judgment, refer to the particular law in virtue of which such judgment may be rendered, and in all cases adduce the reasons on which their judgment is founded.

Judges forbidden
to allow fees, ex-
cept such as are
established by law.

ART. 71. No court or judge shall make any allowance by way of fee or compensation in any suit or proceedings except for the payment of such fees to ministerial officers as may be established by law.

None but judi-
cial duties assign-
ed to judges, and
they allowed no
compensation but
their salaries.

ART. 72. No duties or functions shall ever be attached by law to the supreme or district courts, or to the several judges thereof, but such as are judicial; and the said judges are prohibited from receiving any fees of office or other compensation than their salaries for any civil duties performed by them.

Liability to im-
peachment and re-
movable by address

ART. 73. The judges of all courts shall be liable to impeachment; but for any reasonable cause, which shall not be sufficient ground for impeachment, the Governor shall remove any of them, on the address of three-fourths of the members present of each house of the General Assembly. In every such case, the cause or causes for which such removal may be required, shall be stated at length in the address, and inserted in the journal of each house.

Attorney General
and District Attor-
neys, term of office

ART. 74. There shall be an Attorney General for the State, and as many District Attornies as may be hereafter found necessary. They shall hold their offices for two years; their duties shall be determined by law.

Judicial Districts
provided for.

ART. 75. The first Legislature assembled under this Constitution, shall divide the State into judicial districts, which shall remain unchanged for six years, and be subject to reorganization every sixth year thereafter.

The number of districts shall not be less than twelve, nor more than twenty.

For each district, one judge, learned in the law, shall be appointed, except in the districts in which the cities of New Orleans and Lafayette are situated, in which the Legislature may establish as many district courts as the public interest may require.

Salary of Dis-
trict Judges.

ART. 76. Each of the said judges shall receive a salary to be fixed by law, which shall not be increased or diminished during his term of office, and shall never be less than two thousand five hundred dollars annually. He must be a citizen of the United States, over the age of thirty years, and have resided in the State for six years next preceding his appointment, and have practised law therein for the space of five years.

Term of office of
District Judges.

ART. 77. The judges of the district courts shall hold their offices for the term of six years. The judges first appointed shall be divided by lot into three classes as

nearly equal as can be, and the term of office of the judges of the first class shall expire at the end of two years, of the second class at the end of four years, and of the third class at the end of six years.

ART. 78. The district courts shall have original jurisdiction in all civil cases, when the amount in dispute exceeds fifty dollars, exclusive of interest. In all criminal cases, and in all matters connected with successions, their jurisdiction shall be unlimited.

Jurisdiction of District Courts.

ART. 79. The Legislature shall have power to vest in clerks of courts authority to grant such orders and do such acts as may be deemed necessary for the furtherance of the administration of justice, and in all cases the powers thus granted shall be specified and determined.

Clerks of Court, power given to.

ART. 80. The clerks of the several courts shall be removable for breach of good behavior by the judges thereof; subject in all cases to an appeal to the supreme court.

How removable.

ART. 81. The jurisdiction of justices of the peace shall never exceed, in civil cases, the sum of one hundred dollars, exclusive of interest, subject to appeal to the district court in such cases as shall be provided for by law. They shall be elected by the qualified voters of each parish, for the term of two years, and shall have such criminal jurisdiction as shall be provided for by law.

Justices of the peace, election term of office and Jurisdiction.

ART. 82. Clerks of the district courts in this State shall be elected by the qualified electors in each parish, for the term of four years, and should a vacancy occur subsequent to an election, it shall be filled by the judge of the court in which such vacancy exists, and the person so appointed shall hold his office until the next general election.

Clerks of Court how elected.

ART. 83. A sheriff and a coroner shall be elected in each parish, by the qualified voters thereof, who shall hold their offices for the term of two years, unless sooner removed.

Sheriff and Coroner; election and term of office.

Should a vacancy occur in either of these offices subsequent to an election, it shall be filled by the Governor; and the person so appointed shall continue in office until his successor shall be elected and qualified.

TITLE V.

IMPEACHMENT.

ART. 84. The power of impeachment shall be vested in the House of Representatives.

Impeachment, power of, vested in House of Representatives.

ART. 85. Impeachments of the Governor, Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, and of the Judges of the District Courts, shall be tried by the Senate; the Chief Justice of the Supreme court, or the senior Judge thereof, shall preside during the trial of such impeachments. Impeachments of the Judges

Mode of conducting impeachments.

of the Supreme Court, shall be tried by the Senate. When sitting as a Court of Impeachment, the Senators shall be upon oath, or affirmation, and no person shall be convicted without the concurrence of two-thirds of the Senators present.

Consequences of judgments of impeachment.

ART. 86. Judgments in cases of impeachment shall extend only to removal from office and disqualification from holding any office of honor, trust or profit under this State, but the parties convicted shall, nevertheless, be subject to indictment, trial and punishment according to law.

Suspended from office during impeachment.

ART. 87. All officers against whom articles of impeachment may be preferred, shall be suspended from the exercise of their functions during the pendency of such impeachment. The appointing power may make a provisional appointment to replace any suspended officer until the decision on the impeachment.

Other modes to be provided for removal of other officers.

ART. 88. The Legislature shall provide by law for the trial, punishment and removal from office, of all other officers of the State, by indictment or otherwise.

TITLE VI.

GENERAL PROVISIONS.

ART. 89. Members of the General Assembly, and all officers, before they enter upon the duties of their offices shall take the following oath or affirmation:

Oath of office.

"I (A. B.,) do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent on me as ——— according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States, and of this State; and I do, further, solemnly swear (or affirm) that since the adoption of the present Constitution, I, being a citizen of this State, have not fought a duel with deadly weapons within this State, nor out of it, with a citizen of this State, nor have I sent or accepted a challenge to fight a duel with deadly weapons with a citizen of this State, nor have I acted as second in carrying a challenge, or aided, advised, or assisted any person thus offending, so help me God."

Treason against the State defined.

ART. 90. Treason against the State shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

Person guilty of bribery to procure his election disqualified.

ART. 91. Every person shall be disqualified from holding any office of trust or profit in this State, who shall have been convicted of having given, or offered, a bribe to procure his election or appointment.

ART. 92. Laws shall be made to exclude from office and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors.

Felons disfranchised.

The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting under adequate penalties all undue influence thereon, from power, bribery, tumult or other improper practice.

ART. 93. No money shall be drawn from the treasury but in pursuance of specific appropriations made by law, nor shall any appropriation of money be made for a longer term than two years. A regular statement and account of the receipts and expenditures of all public money shall be published annually, in such manner as shall be prescribed by law.

Specific appropriation necessary to draw money from the treasury.

Expenditures and receipts to be published annually.

ART. 94. It shall be the duty of the General Assembly to pass such laws as may be necessary and proper to decide differences by arbitration.

Arbitration.

ART. 95. All civil officers for the State at large shall reside within the State, and all district or parish officers within their districts or parishes, and shall keep their offices at such places therein as may be required by law. And no person shall be elected or appointed to any parish office who shall not have resided in such parish long enough before such election, or appointment, to have acquired the right of voting in such parish; and no person shall be elected or appointed to any district office, who shall not have resided in such district, or an adjoining district, long enough before such appointment, or election, to have acquired the right of voting in the same.

All officers of the State, District, or Parish must reside in their places of appointment.

ART. 96. The duration of all offices not fixed by this Constitution shall never exceed four years.

Duration of offices.

ART. 97. All civil officers, except the Governor and Judges of the Supreme and District Courts, shall be removable by an address of a majority of the members of both houses, except those the removal of whom has been otherwise provided for by this Constitution.

Removals from office by address.

ART. 98. Absence on the business of this State, or of the United States, shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or of being elected or appointed to any office under the exceptions contained in this Constitution.

Residence.

ART. 99. It shall be the duty of the Legislature to provide by law for deductions from the salaries of public officers who may be guilty of a neglect of duty.

Officers guilty of neglect of duty.

ART. 100. The Legislature shall point out the manner in which a person coming into the State shall declare his residence.

Declaration of residence.

ART. 101. In all elections by the people the vote shall

Voting in elections by the people to be by ballot, in the General Assembly viva voce.

be by ballot, and in all elections by the Senate and House of Representatives, jointly or separately, the vote shall be given *viva voce*.

Members of Congress and officers of United States ineligible for General Assembly.

ART. 102. No member of Congress, nor person holding or exercising any office of trust or profit under the United States, or either of them, or under any foreign power, shall be eligible as a member of the General Assembly, or hold or exercise any office of trust or profit under the State.

Laws, judicial proceedings, &c. to be in the language of the Constitution of the U. States.

ART. 103. The laws, public records and the judicial and legislative written proceedings of the State, shall be promulgated, preserved and conducted in the language in which the constitution of the United States is written.

French and English language.

ART. 104. The Secretary of the Senate, and Clerk of the House of Representatives, shall be conversant with the French and English languages; and members may address either House in the French or English language.

Sureties of public officers.

ART. 105. The General Assembly shall direct by law how persons who are now or may hereafter become sureties for public officers, may be discharged from such suretyship.

Laws not to be suspended except by the Legislature.

ART. 106. No power of suspending the laws of this State shall be exercised, unless by the Legislature or its authority.

Criminal prosecutions, how conducted.

ART. 107. Prosecutions shall be by indictment, or information. The accused shall have a speedy public trial by an impartial jury of the vicinage; he shall not be compelled to give evidence against himself; he shall have the right of being heard by himself or counsel; he shall have the right, unless he shall have fled from justice, of meeting the witnesses face to face, and shall have compulsory process for obtaining witnesses in his favor.

Bail.

ART. 108. All prisoners shall be bailable by sufficient sureties, unless for capital offences, where the proof is evident, or presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

No ex post facto law or law impairing the obligation of contracts to be passed.

ART. 109. No *ex post facto* law, nor any law impairing the obligation of contracts, shall be passed; nor vested rights be divested, unless for purposes of public utility, and for adequate compensation previously made.

Freedom of the Press.

ART. 110. The press shall be free. Every citizen may freely speak, write, and publish his sentiments on all subjects; being responsible for an abuse of this liberty.

Emigration not to be prohibited.

ART. 111. Emigration from the State shall not be prohibited.

Seat of Government.

ART. 112. The General Assembly which shall meet after the first election of Representatives under this Con-

stitution, shall, within the first month after the commencement of the session, designate and fix the seat of government, at some place not less than sixty miles from the city of New Orleans, by the nearest travelling route; and if on the Mississippi river, by the meanders of the same: and when so fixed, it shall not be removed without the consent of four-fifths of the members of both houses of the General Assembly. The sessions shall be held in New Orleans until the end of the year 1848.

ART. 113. The Legislature shall not pledge the faith of the State for the payment of any bonds, bills, or other contracts or obligations for the benefit or use of any person or persons, corporation or body politic whatever. But the State shall have the right to issue new bonds in payment of its outstanding obligations or liabilities, whether due or not; the said new bonds, however, are not to be issued for a larger amount, or at a higher rate of interest, than the original obligations they are intended to replace.

Restrictions upon pledging the state for the payment of obligations

ART. 114. The aggregate amount of debts hereafter contracted by the Legislature, shall never exceed the sum of one hundred thousand dollars, except in case of war, to repel invasions or suppress insurrections, unless the same be authorized by some law, for some single object or work, to be distinctly specified therein; which law shall provide ways and means, by taxation, for the payment of running interest during the whole time for which said debt shall be contracted, and for the full and punctual discharge, at maturity, of the capital borrowed; and said law shall be irrepealable until principal and interest are fully paid and discharged, and shall not be put into execution until after its enactment by the first Legislature returned by a general election after its passage.

Restriction upon the state's contracting debts.

ART. 115. The Legislature shall provide by law for a change of venue in civil and criminal cases.

Change of venue

ART. 116. No lottery shall be authorized by this State, and the buying or selling of lottery tickets within the State, is prohibited.

Lotteries prohibited.

ART. 117. No divorce shall be granted by the Legislature.

Divorces not to be granted by the Legislature.

ART. 118. Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in the title.

Form of laws enacted.

ART. 119. No law shall be revived or amended by reference to its title; but in such case, the act revived, or section amended, shall be re-enacted and published at length.

No law to be revised, but to be re-enacted.

ART. 120. The Legislature shall never adopt any system or code of laws by general reference to such system

No system of laws to be adopted by its title.

or code of laws; but in all cases shall specify the several provisions of the laws it may enact.

ART. 121. The State shall not become subscriber to the stock of any corporation or joint stock company.

State not to subscribe to any corporation or joint company.

Banking corporations prohibited.

ART. 122. No corporate body shall be hereafter created, renewed or extended, with banking or discounting privileges.

Special acts of incorporation of private companies prohibited.

ART. 123. Corporations shall not be created in this State by special laws, except for political or municipal purposes; but the Legislature shall provide, by general laws, for the organization of all other corporations, except corporations with banking or discounting privileges, the creation of which is prohibited.

Power to revoke charters of certain corporations.

ART. 124. From and after the month of January, 1890, the Legislature shall have the power to revoke the charters of all corporations whose charters shall not have expired previous to that time, and no corporations hereafter to be created shall ever endure for a longer term than twenty-five years, except those which are political or municipal.

No monopoly to be granted for over twenty years.

ART. 125. The General Assembly shall never grant any exclusive privilege, or monopoly, for a longer period than twenty years.

No person to hold two offices except justice of the peace.

ART. 126. No person shall hold or exercise, at the same time, more than one civil office of emolument, except that of Justice of the Peace.

Taxation to be uniform.

ART. 127. Taxation shall be equal and uniform throughout the State. After the year 1848 all property, on which taxes may be levied, in this State shall be taxed in proportion to its value, to be ascertained as directed by law. No one species of property shall be taxed higher than another species of property of equal value, on which taxes shall be levied; the Legislature shall have power to levy an income tax, and to tax all persons pursuing any occupation, trade or profession.

City of New Orleans.

ART. 128. The citizens of the city of New Orleans shall have the right of appointing the several public officers necessary for the administration of the police of the said city, pursuant to the mode of elections which shall be prescribed by the Legislature; provided, that the Mayor and Records shall be ineligible to a seat in the General Assembly; and the Mayor, Records, and Aldermen shall be commissioned by the Governor as Justices of the Peace, and the Legislature may vest in them such criminal jurisdiction as may be necessary for the punishment of minor crimes and offences, and as the police and good order of said city may require.

ART. 129. The Legislature may provide by law in what case officers shall continue to perform the duties of their offices until their successors shall have been inducted into office.

Officer to be continued until successor has been inducted into office.

ART. 130. Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons with a citizen of this State, or send or accept a challenge to fight a duel with deadly weapons, either within the State or out of it, with a citizen of this State, or who shall act as second, or knowingly aid and assist in any manner those thus offending, shall be deprived of holding any office of trust or profit, and of enjoying the right of suffrage under this Constitution.

Disfranchisement from duelling.

ART. 131. The Legislature shall have power to extend this Constitution, and the jurisdiction of this State over any territory acquired by compact with any State, or with the United States, the same being done by the consent of the United States.

Legislature may extend constitution over any territory acquired.

ART. 132. The Constitution and Laws of this State, shall be promulgated in the English and French languages.

Promulgation of the constitution and laws.

TITLE VII.

PUBLIC EDUCATION.

ART. 133. There shall be appointed a superintendent of public education, who shall hold his office for two years. His duties shall be prescribed by law. He shall receive such compensation as the Legislature may direct.

Superintendent of Public education, term of office

ART. 134. The Legislature shall establish free Public Schools throughout the State, and shall provide means for their support by taxation on property or otherwise.

Public schools established.

ART. 135. The proceeds of all lands heretofore granted by the United States to this State for the use or support of schools, and of all lands which may hereafter be granted or bequeathed to the State, and not expressly granted or bequeathed for any other purpose, which hereafter may be disposed of by the State, and the proceeds of the estates of deceased persons to which the State may become entitled by law, shall be held by the State as a loan, and shall be and remain a perpetual fund, on which the State shall pay an annual interest of six per cent; which interest, together with all the rents of the unsold lands, shall be appropriated to the support of such schools, and this appropriation shall remain inviolable.

Appropriation to the public schools.

ART. 136. All moneys arising from the sales which have been or may hereafter be made of any lands heretofore granted by the United States to this State, for the use of a seminary of learning, and from any kind of donation that may hereafter be made for that purpose, shall

Appropriation to seminary of learning.

be and remain a perpetual fund, the interest of which, at six per cent per annum, shall be appropriated to the support of a seminary of learning for the promotion of literature and the arts and sciences, and no law shall ever be made diverting said fund to any other use than to the establishment and improvement of said seminary of learning.

University.

ART. 137. An University shall be established in the city of New Orleans. It shall be composed of four faculties, to-wit: one of law, one of medicine, one of the natural sciences, and one of letters.

Medical College.

ART. 138. It shall be called the "University of Louisiana," and the Medical College of Louisiana, as at present organized, shall constitute the faculty of medicine.

ART. 139. The Legislature shall provide by law, for its further organization and government; but shall be under no obligation to contribute to the establishment or support of said University by appropriations.

TITLE VIII.

MODE OF REVISING THE CONSTITUTION.

Mode of revising
the constitution.

ART. 140. Any amendment or amendments to this constitution may be proposed in the senate or house of representatives, and if the same shall be agreed to by three-fifths of the members elected to each house, and approved by the Governor, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and the Secretary of State shall cause the same to be published, three months before the next general election, in at least one newspaper, in French and English, in every parish in the State in which a newspaper shall be published; and if in the Legislature next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each house, the Secretary of state shall cause the same to be published in the manner aforesaid, at least three months previous to the next general election for Representatives to the State Legislature, and such proposed amendment or amendments shall be submitted to the people at said election; and if a majority of the qualified electors shall approve and ratify such amendment or amendments, the same shall become a part of the constitution. If more than one amendment be submitted at a time, they shall be submitted in such manner and form that the people may vote for or against each amendment, separately.

**TITLE IX.
SCHEDULE.**

ART. 141. The constitution adopted in 1812 is declared to be superseded by this constitution, and in order to carry the same into effect it is hereby declared and ordained as follows :

Constitution of
1812 superseded.

ART. 142. The rights, actions, prosecutions, claims and contracts, as well of individuals as of bodies corporate, and all laws in force at the time of the adoption of this constitution, and not inconsistent therewith, shall continue as if the same had not been adopted,

Laws, vested rights
&c not contrary to
the constitution
preserved.

ART. 143. Until the first enumeration shall be made as directed in article eighth of this Constitution, the parish of Orleans shall have twenty representatives, to be elected as follows, viz :

Apportionment of
Representation.

Eight by the First Municipality, seven by the Second Municipality, and four by the Third Municipality to be distributed among the nine Representative districts as follows, by allotting to the

First district	two,
Second "	two,
Third "	three,
Fourth "	three,
Fifth "	three,
Sixth "	two,
Seventh "	two,
Eighth "	one,
Ninth "	one,

And to that part of the parish on the right bank of the Mississippi, one.

The parish of Plaquemines shall have	-	three,
" St. Bernard,	-	one,
" Jefferson	-	three,
" St. Charles	-	one,
" St. John the Baptist	-	one,
" St. James,	-	two,
" Ascension,	-	two,
" Assumption,	-	three,
" Lafourche Interior,	-	three,
" Terrebonne,	-	two,
" Iberville,	-	two,
" West Baton Rouge,	-	one,
" East Baton Rouge,	-	three,
" West Feliciana,	-	two,
" East Feliciana,	-	three,
" St. Helena,	-	one,
" Washington,	-	one,
" Livingston	-	one,
" St. Tammany,	-	one,

The parish of	Point Coupée	one,
"	Concordia,	one,
"	Tensas	one,
"	Madison	one,
"	Carroll,	one,
"	Franklin	one,
"	St. Mary	two,
"	St. Martin	three,
"	Vermillion	one,
"	Lafayette	two,
"	St. Landry	five,
"	Calcasieu	one,
"	Avoyelles	two,
"	Rapides	three,
"	Natchitoches	three,
"	Sabine	two,
"	Caddo	one,
"	De Soto	one,
"	Ouachita	one,
"	Morehouse	one,
"	Union	one,
"	Jackson	one,
"	Caldwell	one,
"	Catahoula	two,
"	Claiborne	two,
"	Bossier	one,
Total—ninety-eight.		

And the State shall be divided into the following Senatorial Districts:

All that portion of the parish of Orleans lying on the east side of the Mississippi river, shall compose one senatorial district, and shall elect four senators.

The parishes of Plaquemines, St. Bernard, and that part of the parish of Orleans on the right bank of the river, shall compose one district with one senator.

The parish of Jefferson shall compose one district with one senator.

The parishes of St. Charles and St. John the Baptist shall compose one district with one senator.

The parish of St. James shall compose one district, with one senator.

The parish of Ascension shall compose one district with one senator.

The parishes of Assumption, Lafourche Interior and Terrebonne shall compose one district, with two senators.

The parishes of Iberville and West Baton Rouge shall compose one district, with one senator.

The parish of East Baton Rouge shall compose one district, with one senator.

The parish of Point Coupee shall compose one district, with one senator.

The parish of Avoyelles shall compose one district, with one senator.

The parish of St. Mary shall compose one district, with one senator.

The parish of St. Martin shall compose one district, with one senator.

The parishes of Lafayette and Vermillion shall compose one district with one senator.

The parishes of St. Landry and Calcasieu, shall compose one district, with two senators.

The parish of West Feliciana shall compose one district, with one senator.

The parish of East Feliciana shall compose one district, with one senator.

The parishes of St. Helena and Livingston shall compose one district, with one senator.

The parishes of Washington and St. Tammany shall compose one district, with one senator.

The parishes of Concordia and Tensas shall compose one district, with one senator.

The parishes of Carroll and Madison shall compose one district, with one senator.

The parishes of Jackson, Union, Morehouse and Ouachita shall compose one district, with one senator.

The parishes of Caldwell, Franklin and Catahoula shall compose one district, with one senator.

The parish of Rapides shall compose one district, with one senator.

The parishes of Bossier and Claiborne shall compose one district, with one senator.

The parish of Natchitoches shall compose one district, with one senator.

The parishes of Sabine, De Soto and Caddo, shall compose one district with one senator.

ART. 144. In order that no inconvenience may result to the public service from the taking effect of this Constitution, no office shall be superseded thereby, but the laws of the State relative to the duties of the several officers, Executive, Judicial and Military, shall remain in full force though the same be contrary to this Constitution, and the several duties shall be performed by the respective officers of the State, according to the existing laws, until the organization of the Government under this Constitution, and the entering into office of the new officers, to be appointed under said Government, and no longer.

Officers and laws to be continued until the organization of the government under the new constitution.

Governor elected under the new constitution to make the executive appointments under it.

Article 28 not to apply to the first Legislature under the constitution.

Terms of office.

Removal of causes to the courts created by the new constitution.

Certain appeals returnable to New Orleans.

Mode of taking the vote on the adoption of the new constitution.

ART. 145. Appointments to office by the Executive under this Constitution, shall be made by the Governor to be elected under its authority.

ART. 146. The provisions of article twenty-eighth, concerning the inability of members of the Legislature to hold certain offices therein mentioned, shall not be held to apply to the members of the first Legislature elected under this Constitution.

ART. 147. The time of service of all officers chosen by the people, at the first election under this Constitution, shall terminate as though the election had been holden on the first Monday of November, 1845, and they had entered on the discharge of their duties at the time designated therein.

ART. 148. The Legislature shall provide for the removal of all causes now pending in the Supreme or other Courts of the State under the Constitution of 1812, to courts created by this Constitution.

ART. 149. Appeals to the Supreme Court from the parishes of Jackson, Union, Morehouse, Catahoula, Caldwell, Ouachita, Franklin, Carroll, Madison, Tensas and Concordia shall, until otherwise provided for, be returnable to New Orleans.

TITLE X.

ORDINANCE.

ART. 150. Immediately after the adjournment of the Convention, the Governor shall issue his Proclamation, directing the several officers of this State, authorized by law, to hold elections for members of the General Assembly, to open and hold a poll in every parish of the State, at the places designated by law, upon the first Monday of November next, for the purpose of taking the sense of the good people of this State in regard to the adoption or rejection of this Constitution; and it shall be the duty of the said officers to receive the votes of all persons entitled to vote under the old Constitution, and under this Constitution. Each voter shall express his opinion by depositing in the ballot box a ticket whereon shall be written "The Constitution accepted," or "The Constitution rejected," or some such words as will distinctly convey the intention of the voter. At the conclusion of the said election, which shall be conducted in every respect as the general State election is now conducted, the parish judges and commissioners designated to preside over the same, shall carefully examine and count each ballot so deposited, and shall forthwith make due returns thereof to the Secretary of State, in conformity to the provisions of the existing law upon the subject of elections.

ART. 151. Upon the receipt of the said returns, or on

the first Monday of December, if the returns be not sooner received, it shall be the duty of the Governor, the Secretary of State, the Attorney General, and the State Treasurer, in the presence of all such persons as may choose to attend, to compare the votes given at the said poll, for the ratification and rejection of this Constitution, and if it shall appear from said returns that a majority of all the votes given is for ratifying this Constitution, then it shall be the duty of the Governor to make proclamation of that fact, and thenceforth this Constitution shall be ordained and established as the Constitution of the State of Louisiana. But whether this Constitution be accepted or rejected, it shall be the duty of the Governor to cause to be published in the State paper, the result of the polls, showing the number of votes cast in each parish for and against the said Constitution.

Proclamation to be made of the vote upon the adoption of the constitution.

ART. 152. Should this Constitution be accepted by the people, it shall also be the duty of the Governor forthwith to issue his proclamation, declaring the present Legislature, elected under the old Constitution, to be dissolved, and directing the several officers of the State, authorized by law to hold elections for members of the General Assembly, to hold an election at the places designated by law, upon the third Monday in January next, [1846] for Governor, Lieutenant Governor, Members of the General Assembly, and all other officers whose election is provided for pursuant to the provisions of this Constitution. And the said election shall be conducted, and the returns thereof made, in conformity with existing laws upon the subject of State elections.

Elections to be held after the adoption of the constitution.

ART. 153. The General Assembly elected under this Constitution, shall convene at the State House, in the city of New Orleans, upon the second Monday of February next, [1846] after the elections; and the Governor and Lieutenant Governor, elected at the same time, shall be duly installed in office during the first week of their session, and before it shall be competent for the said General Assembly to proceed with the transaction of business.

Where and when the first legislature under the constitution to convene.

Adopted in convention, on the 14th day of May, 1845, in the city of New Orleans. In witness whereof we have hereunto subscribed our names.

JOSEPH WALKER,

President of the Convention,

and Senatorial Delegate of the county of Rapides.

(Attest)

HORATIO DAVIS,

Secretary of the Convention.

PROPOSED AMENDMENTS TO THE CONSTITUTION.

Amendments proposed.

1850.

177.

Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, Three-fifths of the members elect to each house concurring therein, that the following be adopted and proposed to the people as amendments to the Constitution:

Chief justice and associate justices, to be elected by the people.

ART. 1. The chief justice and associate justices of the supreme court shall be elected by the electors qualified to vote for Representatives to the General Assembly, either by general ticket or by district as may be determined by law.

Their term of office.

ART. 2. The chief justice and associate justices of the supreme court shall be elected for a term of four years, and at the first meeting of the supreme court after this amendment takes effect, the associate justices shall be divided by lot into two classes, the seats of two of the associate justices shall be vacated at the expiration of two years, and the seat of the chief justice and of the third associate justice at the expiration of four years, so that a rotation thereby be kept up perpetually.

What rotation is to be established among them.

Election of the district judges.

ART. 3. The judges of the district courts shall be elected in their respective districts, by the electors therein qualified to vote for Representatives to the General Assembly.

Their term of office

ART. 4. The judges of the district courts shall be elected for a term of four years.

Election of district attorneys.

ART. 5. The district attorneys shall be elected in their respective districts for a term of two years, by the electors therein qualified to vote for Representatives to the General Assembly.

Election of an attorney general.

ART. 6. An attorney general shall be elected for a term of two years, by the electors qualified to vote for Representatives to the General Assembly throughout the State.

Election of the secretary of State.

ART. 7. A secretary of state shall be elected for a term of two years, by the electors qualified to vote for Representatives to the General Assembly throughout the State.

Election of state treasurer.

ART. 8. A state treasurer shall be elected for a term of two years, by the electors qualified to vote for Representatives to the General Assembly throughout the State.

Election of the State superintendent of public education.

ART. 9. A State superintendent of public education shall be elected for a term of two years, by the electors qualified to vote for Representatives to the General Assembly throughout the State.

ART. 10. If in the election of chief justice, associate justices of the supreme court, judges of the district court, attorney general, district attorney, secretary of State, State treasurer, and State superintendent of public education, two or more persons shall be equal and highest in the number of votes polled for any of the above named officers, it shall be the duty of the governor by proclamation, so to declare it, and immediately to select between the two or more persons having equal and the highest number of votes polled, and commission him to fill the office for which he shall be thus chosen.

Duty of the governor in relation to the aforesaid elections.

ART. 11. The chief justice and associate justices of the supreme court, and judges of the district courts, shall each receive a salary to be fixed by law, which shall not be increased or diminished during their term of office.

Salary of the judges of the supreme court, and of the district judges.

ART. 12. In all elections by the people, every free white male who has been one year a citizen of the United States, who has attained the age of twenty-one years, and resided in the State one year next preceding the election, and the last six months thereof in the parish in which he offers to vote, shall have the right of voting.

Qualifications of voters.

ART. 13. The General Assembly shall have the right to create among the district judges an interchange system, for the trial of recused cases only.

The interchange system among the district judges.

Act of March 20th 1850.



Territory over which Jurisdiction has been ceded

TO THE

UNITED STATES.

AN ACT

To cede to the United States, the jurisdiction over the territory therein named.

1834

88. 1

Governor authorized to cede to the U. S. jurisdiction over certain places

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened,*

That it shall and may be lawful for the Governor of this State, and he is hereby authorized for and on behalf of this State, by proper deeds and instruments in writing under his hand and the seal of the State, to convey, transfer, assign, and make over to the United States, all the jurisdiction which this State possesses over eighteen superficial arpents of Land on the island of Petites Coquilles, directly opposite the western branch of Pearl river, being three arpents front on the Rigolets, with six arpents in depth, for the purpose of erecting a Light-House thereon, together with all necessary buildings attached thereto, and that the said Light-House shall be erected, kept in repair and supported at the expense of the United States; and also over an island and adjoining sand-bar, situated near the south pass, at the mouth of the river Mississippi, called and known by the name of Gordon's Island, on which is now erected a Light-House and the appurtenant buildings thereto, known as the light-house of south point; Provided, the said light-house shall be kept in repair and supported at the expense of the United States: and also over an island situated near the south-west pass at the mouth of the river Mississippi, called and known by the name of Wagner's Island, on which is now erected a light-house and the appurtenant buildings thereto, known as the light-house at south west pass: Provided, that the said light-house shall be kept in repair, and supported at the expense of the United States.

Proviso.

SECT. 2. *Be it further enacted, &c.* That with a view to define the limits of the said land of Petites Coquilles as mentioned in the first section of this act, that the centre of the light-house to be erected thereon, shall be the centre of the three arpents front on the Rigolets.

2.
Location of light house.

SECT. 3. *Be it further enacted, &c.* That if a light-house shall not be erected on the said land after the cession aforesaid by this State, or if at any time thereafter, the said light-house, so to be erected, or either or both of those already erected shall be suffered to fall into decay or be rendered useless and so continue for the period of seven years, then and in either case, the jurisdiction over such territory, hereby directed to be vested in the United States, within which such light-house is suffered to fall into decay and be rendered useless, shall revert to this State, and be subject to the jurisdiction of the same, in like manner as if this act had never been made: Provided, that nothing herein contained shall be so construed as to prevent the officers of this State from executing any process whatever within the jurisdiction hereby directed to be ceded to the United States.

3
Reversion to the State in certain cases.

Process of the State.

4

SECT. 4. *And be it further enacted, &c.* That this act shall commence and be in force from and after the passing thereof.

(Signed,)

ALCEE LABRANCHE,

Speaker of the House of Representatives.

(Signed,)

C. DERBIGNY,

President of the Senate.

Approved March 6, 1834.

(Signed,)

A. B. ROMAN,

Governor of the State of Louisiana.

AN ACT

To authorize the Governor of the State to cede to the United States the jurisdiction over that parcel of the Grand-terre Island, which was purchased by the United States for the purpose of erecting a fort thereon.

1834
105.

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened,*

That it shall be lawful for the Governor of this State, and he is hereby authorized for and in behalf of this State, by proper deeds and instruments of writing under his hand, and the seal of the State, to convey, transfer, assign and make over to the government of the United States, all the jurisdiction which this State possesses over the tract of land purchased by the United States for the purpose of erecting a fort thereon, situate in the parish of Jefferson, and known by the name of Grand-terre.

Cession of juris-
diction.

SECT. 2. *And be it further enacted, &c.* That after the cession aforesaid, if the said fort shall be suffered to fall into decay, or be rendered useless, and so continue for the period of seven years, then, in that case, the jurisdiction over such territory hereby directed to be vested in the United States, shall revert to this State, in like manner as if this act had never been passed.

Reversion of

(Signed,)

ALCEE LABRANCHE,

Speaker of the House of Representatives.

(Signed,)

C. DERBIGNY,

President of the Senate.

Approved March 10, 1834.

(Signed,)

A. B. ROMAN,

Governor of the State of Louisiana.

No. 157.]

AN ACT

Ceding to the United States jurisdiction over the sites of Forts Jackson, Saint Philip, Pike and Wood, over the sites of Battery Bienvenue, and Tower Dupres, and over a work of Fortification about to be erected at or near Proctor's Landing on Lake Borgne.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,*

That the jurisdiction and control over the sites of the following works of fortification be, and the same hereby are, granted and ceded to the United States, for military purposes, viz: over Fort Jackson on the right bank of the Mississippi river, and over all the land lying within fifteen hundred Castilian varas (or thirteen hundred and ninety yards and a half,) measured from the most salient parts of the works; over Fort Saint Philip, on the

1846
143.
Cession of Juris-
diction.

left bank of the Mississippi river, and over the section of land on which it is situated, being section eleven of township nineteen, range seventeen east, of the south-eastern District of Louisiana; over Fort Pike, at Pass Rigolets, and over all the land within twelve hundred yards of the Fort, measured from the most salient parts of the works; over Fort Wood, at the Chef Menteur Pass, and over all the land within twelve hundred yards of the Fort, measured from the most salient parts of the works; over Battery Bienvenu, and over all the land within twelve hundred yards of the most salient parts of the same; over Tower Dupres, and over all the land within twelve hundred yards of the most salient parts of the same; and over such tract of land as the United States may reserve or purchase for the site of works of fortification at or near Proctor's Landing on Lake Borgne, not to exceed the area lying within twelve hundred yards of the most salient parts of such works of fortification: *Provided always*, and the cession and jurisdiction aforesaid are granted upon the express condition that this Commonwealth shall retain a concurrent jurisdiction with the United States in and over the said tracts of land, so far as that all civil and such criminal process as may issue under the authority of this Commonwealth, against any person or persons charged with crimes committed without the said tracts of land, may be executed therein in the same way and manner as though this cession and consent had not been made and granted, except so far as such process may affect the real or personal property of the United States within the ceded territory.

SEC. 2. *Be it further enacted, &c.*; That the property over which jurisdiction is granted by this act, shall be exonerated and discharged from all taxes and assessments which may be levied or imposed under the authority of this State, while the said tracts of land shall remain the property of the United States, and shall be used for the purposes intended by this act.

Approved, June 1st, 1846.



BOUNDARIES OF PARISHES.

WEST FELICIANA.

The parish of West Feliciana is bounded by the line which separates this State from the State of Mississippi, the Mississippi River, and Thompson's Creek, which separates its from East Feliciana.

1824
24. 3.
1811
120. 1.

EAST FELICIANA.

The parish of East Feliciana is bounded on the North by the line between this State and the State of Mississippi, on the West by Thompson's Creek, on the East by the River Amite, and on the South by a line beginning at the lower or southerly limits of a tract of land upon which Port Jackson stands, thence running on said line until it strikes the road from Port Hudson to Robert Newport's place, thence running so as to leave said Road entire in said parish to where the said road crosses the former boundary of said parish, (to wit: a line running due east from the mouth of Thompson's Creek,) thence easterly so as to strike the river Amite, one mile due north of where the said former boundary struck the said river. This last described line forms the boundary between said parish, and the parish of East Baton Rouge.

1811
122. 2

1824
24. 3.

1832
78. 1.

EAST BATON ROUGE.

The parish of East Baton Rouge is bounded on the North by the above described line; on the east by the river Amite, on the south by the river Iberville or Manchac, and on the west by the river Mississippi.

1832
78. 1.
1811
122. 2.

ST HELENA.

The parish of St Helena is bounded on the north by the line between this State and the State of Mississippi, on the west by the river Amite, on the east by the river Tanchipaho, and on the south commencing on the river Amite on the dividing township line, between the fourth and fifth townships, as designated by the United States Surveyors, thence along said line east until the same intersects the river Tanchipaho, which line forms the boundary between said parish and the parish of Livingston.

1811
122. 2.

1832
130. 1.

LIVINGSTON.

The parish of Livingston is bounded on the north by the above line which separates it from the parish of St Helena, on the west by the river Amite which separates it from the parish of East Baton Rouge, on the south by the river Amite, proceeding down that river to the place where the bayou Pierre leaves it, down that bayou to the Petty Amite, thence down that stream to Blind River, thence by Blind River down to lake Maurepas, thence by lake Maurepas to Pass Manchac, thence by that pass to its junction with lake Pontchartrain, thence by that lake to the mouth of the river Tanchipaho, and on the east by the said river Tanchipaho proceeding up that river from its mouth to the point where it is intersected by the line of the above described northern boundary.

1811
122. 2.

1832
130. 1.

1841
38. 1

1850
67.

WASHINGTON.

The parish of Washington is bounded on the north by the line between this State and the State of Mississippi, on the west

1811
122. 2.

1819
80. 1.
1826
38. 1.

by the river Tanchipaho, on the east by Pearl River, and on the south by a line running east and west, beginning at David Robertson's on the Tanchipaho, thence in a direct line to David Edwards on the Tchifoncta, thence a direct line to Strawberry Bluffs on the Bogue Chitto, thence East to Pearl River, running at the Bogue Chitto so as to make the north and east boundary of the enclosed lands of Richard S. Chappel in the year 1826, lying on the Strawberry Bluffs, the boundary line of said parish. The last described boundary is the dividing line between said parish and St Tammany.

ST TAMMANY.

1819
80. 1.
1826
38. 1.
1811
122. 2.

The parish of St Tammany is bounded on the north by the above described line, and comprises all the territory South of said line embraced between the Tanchipaho and Pearl rivers.

TENSAS.

1843
35. 1.

The parish of Tensas is bounded by a line separating it from the parish of Madison, commencing on the Mississippi River at the line dividing township thirteen and fourteen, thence running on said line west, to where it crosses Bayou Durossett, thence down the said bayou to its mouth, thence due west to the bayou Mason, thence down the said bayou Mason to its junction with the river Tensas, thence down the Tensas to the line between the said parish and the parish of Concordia, to wit: the section line dividing township Nine in the centre by an east and west line, thence east on said line to lake St John, thence along said lake and Bayou L'Argent to the Mississippi; thence up the said river to the place of beginning.

CONCORDIA.

1813
35. 1.

1811
36. 4.

The parish of Concordia is bounded by the above described line separating it from the parish of Tensas, thence down the river Tensas to Black River, thence down the latter river to its junction with Red River, thence down the said river to its junction with the Mississippi river, thence up the said river to the above described boundary between the said parish and the parish of Tensas.

MADISON.

1843
35. 1.
1839
82. 1.
1838
14.

The parish of Madison is bounded by the line above described as forming a boundary between that parish and the parish of Tensas, to wit: commencing on the Mississippi river at the line dividing townships Thirteen and Fourteen, thence running on said line west to where it crosses bayou Durossett, thence down the said bayou to its mouth, thence due west to the bayou Mason, thence up the said bayou Mason to the middle of township Eighteen, thence due east to the range line, between ranges Eleven and Twelve east, thence north to the township line between townships Eighteen and Nineteen, thence due east following said line to the Mississippi river, thence down that river to the beginning.

1846
151. 1

CARROLL.

1832
100. 1

The parish of Carroll is bounded by a line commencing on the river Mississippi on the dividing line between townships Eighteen and Nineteen, thence following said line west to the line dividing

ranges Eleven and Twelve east, thence south to the middle of township Eighteen, thence west on a line dividing township Eighteen to the bayou Mason, thence down said bayou to where it is crossed by the line between townships Sixteen and Seventeen, thence west on said line to a point due South from the common crossing place on the River aux Bœufs between Dimpey's settlement and the Prairie Jefferson, and from the said point due north to the said crossing place, thence up the said river to the line which divides this State from the State of Arkansas, thence East to the river Mississippi, and thence down that river to the point of beginning.

1844
77

MOREHOUSE.

The parish of Morehouse is bounded as follows, beginning on the east bank of the Washita river, at the point where it is intersected by the line between this State and the State of Arkansas, thence down the middle of said river to the mouth of the bayou Bartholomew, thence up the said river to the mouth of the bayou Bœuf, thence up said bayou Bœuf to the bayou Lafourche, thence up the bayou Lafourche to Buff's River, thence up said river to the said State boundary, and thence along it to the place of beginning.

1844
77

UNION.

The parish of Union is bounded as follows: commencing at the meridian line, where the line dividing townships eighteen and nineteen crosses it, thence due west on said line four miles, thence north on the line dividing sections thirty two and thirty three one mile, thence west on another section line three miles, thence north on another section line one mile, thence west on another section line three miles, thence north on another section line to the bayou Darbonne, thence up the said stream to the dividing line between ranges three and four west, thence north following the said line to the boundary of the State of Arkansas, thence east along said boundary to where it crosses the Washita river, thence down the said river to Parker's landing, thence in a direct line to where the bayou Chudree empties into the Bayou Darbonne, thence up the Chudree to where the dividing line between townships eighteen and nineteen leaves it, thence along said line west to the place of beginning.

1846
160.

1845
16, 1.
1828
70, 1.
1839
22, 1.

1846
160.

JACKSON.

The parish of Jackson is bounded as follows: beginning at the north west corner of section nineteen in township fifteen of range two east in the land district north of Red River, on the meridian line which divides ranges one and two east, thence running due north on said range line, to where it crosses the township line dividing townships fifteen and sixteen, thence diagonally across township sixteen to the north west corner of said township, thence due north on the base meridian line, to where it crosses the line between townships eighteen and nineteen, thence due west on said township line four miles, thence north on the line between sections thirty two and thirty three one mile, thence west on a section line three miles, thence north on another section line one mile, thence west on another section line three miles, then north on another section line, to the bayou Darbonne, thence up

1838
39, 2.

1845
16, 1

1846
160, 2

1845
16. 1.

the said stream to the middle of range four west, thence due south to the line dividing townships thirteen and fourteen, thence due east until the line strikes the western boundary of the parish of Caldwell, thence northward along the said boundary of the parish of Caldwell to the place of beginning.

CALDWELL.

1838.
39. 2.

The following are the boundaries of the parish of Caldwell, beginning at the north west corner of section nineteen in township fifteen of range two east, in the land district north of Red river, thence south west of said range line twenty-four miles to the south west corner of section eighteen of township eleven of said range two east, thence east with the section lines twenty-four miles to the south east corner of section thirteen of township eleven in range five east, at the range line between ranges five and six east, thence with the said range line north three miles to the south west corner of section thirty-one in township twelve of range six east, thence east with the township line about one mile to Bœuf river, thence along the channel of said river, to a point due east of the place of beginning, thence west to the range line between ranges three and four east, thence south along said line, about one mile and a quarter to the north boundary of lands owned by Timothy Flint in the year 1838, thence west with the said Flint's line to the Washita river, thence up the said river to the north east corner of section twenty-one, township fifteen range three east, thence due west to the place of beginning.

FRANKLIN.

1844.
23. 3.

1848.
8.

The parish of Franklin is bounded as follows: commencing at the mouth of Deer Creek, thence up the said Deer Creek to the cut-off Bayou, thence up the said Bayou to Bayou Mason, thence up the Bayou Mason to the line dividing townships sixteen and seventeen, thence west on said line to Bœuf river, and thence down said river to the mouth of Deer Creek, the place of beginning.

WASHITA.

1838.
39. 2.

1848.
8.

1844.
23. 3.

1832.
100.
1844.
77.

The parish of Washita is bounded on the south by the line previously designated as the northern boundary of the parish of Caldwell, to wit: commencing at the north west corner of section nineteen of township fifteen and range two east and running due east to Washita river, thence down the said river to where it is intersected by a line forming the northern boundary of lands owned by Timothy Flint in the year 1838, thence following the said boundary of Flint's land, east to the range line between ranges three and four east, thence north along said range line about one mile and a quarter to the north west corner of section nineteen, township fifteen range four east, thence due east to Bœuf river, thence up the said river which is the boundary between said parish and the parish of Franklin to the line dividing townships sixteen and seventeen, thence due east along that line to a point due south of the common crossing place on the river Aux Bœufs between Dimpey's settlement and the prairie Jefferson, from the said point due north to the said crossing place, thence down the said river Aux Bœufs to Bayou Lafourche, thence down the Bayou Lafourche to Bayou Bœuf, thence down the said

Bayou Bœuf to its mouth, thence down the Bayou Bartholomew to its mouth, thence down the River Washita to Parkers' landing, thence in a direct line to where the Bayou Chudree empties into the Bayou Darbonne, thence up the Chudree to where the dividing line between townships eighteen and nineteen leaves it, thence along said line west to the base Meridian, thence south on said base Meridian, to the north west corner of township sixteen, thence diagonally across the said township sixteen to the south east corner of it, thence running due south on the line dividing ranges one and two east, to where said line meets the northern boundary of the parish of Caldwell, the place of beginning.

CATAHOULA.

The parish of Catahoula is bounded in the following manner, to wit: commencing at the junction of Black river with Red river, thence up Black river to the mouth of the Tensas river, thence up the Tensas to the mouth of the Bayou Mason, thence up the Bayou Mason to the cut-off Bayou, thence down the cut-off Bayou to Deer Creek, thence down the said creek to its mouth, thence up the Bœuf river to where it is intersected by the line between townships eleven and twelve in range six east, thence along said line west about one mile to the line between ranges five and six east, thence south along said range line three miles to the south east corner of section thirteen of township eleven in range five east, thence due west, following the section lines, twenty-four miles to the south west corner of section eighteen of township eleven range two east, thence to the northward following the western boundary of the parish of Caldwell, to the line dividing townships thirteen and fourteen, thence along said township line west until it strikes the river Dugdemonia, thence down the said river to Little river to its mouth, thence across Lake Catahoula to the outlet to Saline Bayou, thence down said bayou to its junction with Red river, thence down Red river to the place of beginning.

BIENVILLE.

The parish of Bienville is bounded as follows: by a line commencing on the Bayou Dauchite at a point where it is intersected by the line between townships eighteen and nineteen of range nine, and thence east on said line to the middle of range four, thence due south to the line dividing ranges thirteen and fourteen, thence west on said township line to where it intersects Red river, thence up said river to the mouth of Logy bayou, thence up the said bayou along the line hereafter described as the eastern boundary of the parish of Bossier to wit, along the western bank of said Bayou to Lake Bisteneau, thence along the shore of said Lake, to Bayou Dauchite, thence along the shore of said Bayou to the place of beginning.

BOSSIER.

The parish of Bossier is bounded as follows, to wit: starting at the mouth of Logy Bayou, on the western bank of said bayou, thence following the bank of said bayou to lake Bisteneau, thence up along the shore of said lake to bayou Dauchite, thence along the shore of said bayou to the line between this State and the State of Arkansas, thence west on the said line to the eastern

1838.
39 2.

1845.
16-1.

1813.
138.
1830.
36.
1834.
122.
1835.
160.
1844.
23 3.

1838.
39 2.

1845.
68.

1842.
106.

1842.
118 1 and 2

1845.
16 1.
1828.
70 1.
1843.
17. 1.

1843.
17-1.

bank of Red river, thence down the said river to the place of beginning.

CLAIBORNE.

The parish of Claiborne is bounded by a line as follows, viz: commencing at the bayou Dauchite at a point where it is intersected by the line between the townships eighteen and nineteen, thence east along said township line to the middle of range four west, thence north to the bayou Darbonne, thence down the bayou Darbonne to where it crosses the line between ranges three and four west, thence north along the said range line to the boundary between this State and Arkansas, thence west along said boundary to where it crosses the bayou Dauchite, thence down the said bayou to the place of beginning.

PLAQUEMINE.

The parish of Plaquemine is composed of that portion of country lying on both sides of the Mississippi river and extending from the Gulf of Mexico, at the mouth of the said river at the Balize, on the east bank of said river to the parish of St. Bernard from which it is separated by a line beginning at the already established limits between the Morgan and Poydras plantations on the said river and following the same one league from the river, thence in a straight line to the junction of the Bayous Grove and Mandeville, thence following the middle of bayou Mandeville to the lake Lery, thence to the south east part of lake Lery, thence running a line to the northeast part of Black Bay, and thence following the middle of Black Bay to the Chandeleur Bay and on the west bank of said river to the parish of Orleans from which it is separated by a line forming the lower limit of the plantation known as Dessales plantation in 1811.

ST. BERNARD.

The parish of St. Bernard is composed of the portion of country lying between the Mississippi river and lake Borgne and is bounded below by the parish of Plaquemine and above by a line beginning at lake Borgne in the middle of bayou Bienvenu, thence following the middle of said bayou as far as the fishermen's canal (canal des Pecheurs;) thence following the middle of said canal to the Mississippi river.

ORLEANS.

The parish of Orleans lies on both sides of the Mississippi river, and is bounded on the north by lake Pontchartrain, below on the west side of the said Mississippi river by the parish of Plaquemine, and on the east side by the parish of St. Bernard; above on the west side of the said Mississippi river by Bernoudy's canal, and on the east side by a line beginning at lake Pontchartrain at a point two hundred feet from the western bank of the canal of the New Orleans canal and banking Company, thence following in a parallel line at two hundred feet from the western bank of said canal as far as the middle of the Canal Avenue of Carrollton, thence following the middle of the said Avenue, as far as its intersection with the prolongation of the line of division of the faubourgs Annunciation and the Nuns, thence following the said division line in such a manner that the limits of the

parish of Orleans, shall extend to all that portion of Felicity road, and to the properties and parts of properties in line therewith, falling within the northern and middle line thereof, extending parallel through all properties and ground whatsoever from Levee street to the rear of the city.

1850.
243 1

JEFFERSON.

The parish of Jefferson lies on both sides of the Mississippi river, extending from Lake Pontchartrain, which bounds it on the north to the Gulf of Mexico on the south so as to include the Chenière Caminada and Grand Isle, and is bounded below on the east side of the said river by the parish of Orleans, and on the west side of the said river by the parish of Orleans and the parish of Plaquemine; and above by a line beginning at the bayou Petit Gouyou on lake Pontchartrain above three leagues to the west of Fort St. John, and thence following the bayou Petit Gouyou to the place where the upper line of the grant or concession, once called St. Beine and afterwards in 1805, called Marange passes; thence along the line of the plantation, known in 1805, as the plantation Foreel to the Mississippi river, and across the same to the canal of Mr. Harang, and along the said canal to the bayou Bois Piquant; and thence by a line drawn through the middle of the last mentioned bayou to Lake Cataoucha, and across the same to the bayou Poupard, and thence by a line which is not distinctly defined, but includes the Cheniere Caminada and Grand Isle, separating the said parish from the parish of Lafourche Interior, to the said Gulf of Mexico.

1805.
44 1.

Constitution of
1812.
Art. 2, Sec. 10.

1825.
103 1.

1827.
136 1.
1830.
64 1.

ST. CHARLES.

The parish of St. Charles lies on both sides of the Mississippi river, extending from Lake Pontchartrain, which bounds it on the north to Lake Cataoucha or Ouacha on the south, and is bounded below by the parish of Jefferson, and above by the parish of St. John Baptist from which it is divided by a line which has never been defined in any act of the State or Territorial Legislature, but is the same which divided the two parishes before the cession of the territory to the United States, or as it may have been determined, run out, and marked by the surveyor or surveyors, appointed by the police juries of the two parishes interested in the same, under the authority of law.

1807.
12 9.

1835.
144 1 and 2

ST. JOHN BAPTIST.

The parish of St. John Baptist lies on both sides of the Mississippi, extending from lakes Maurepas and Pontchartrain and the parish of Livingston, which bound it on the north and north-east to the Lac des Allemands, which bounds it on the south, and is bounded below by the parish of St. Charles, and above by the parish of St. James from which it is divided by a line which has never been defined in any act of the State or Territorial Legislature, but is the same which divided the two parishes before the cession of the territory to the United States, or as it may have been determined, run out, and marked by the surveyor or surveyors, appointed by the police juries of the two parishes interested in the same, under the authority of law.

1807.
12 9.

1835.
141 1 & 2

ST. JAMES.

1807.
12 9.
1835.
144 1 & 2.
1837.
23 2.

The parish of St. James lies on both sides of the Mississippi river, extending from lake Maurepas, which bounds it on the north-east to the parishes of Lafourche Interior and Assumption on bayou Lafourche, which bound it on the south and south-west, and is bounded below by the parish of St. John Baptist; and above, by the parish of Ascension, from which it is divided on the east side of the Mississippi river by a line, beginning on the river at the lower line of the Houmas claim, and following the lower line of the said claim to lake Maurepas, and on the west side of the Mississippi river, by a line beginning on the river at the lower line of Augustin Richard's plantation, and extending out until it intersects the south boundary of township No. ten, or the boundary line of the parish of Assumption.

ASCENSION.

1807.
11 9.

1841.
7 1.

1847.
26 1.

The parish of Ascension lies on both sides of the Mississippi river, extending from lake Maurepas and the parish of Livingston and East Baton Rouge, which bound it on the north-east and north, to the parish of Assumption from which it is divided by the line laid down in Catesby Graham's Map of the State of Louisiana, and is bounded below by the parish of St. James, and above by the parish of Iberville from which it is divided by the lines surveyed and established by Augustus S. Phelps, in the year eighteen hundred and thirty-seven.

LAFOURCHE INTERIOR.

1807.
14 9.
1822.
74 1.
1850.
68 1.

1824.
68 1.

1847.
134 1.

The parish of Lafourche Interior lies on both sides of bayou Lafourche, extending from the Gulf of Mexico at the mouth of the said bayou, up the same to the parish of Assumption, from which, it is divided on the west side of bayou Lafourche, by a line established by the consent of the two parishes with the permission of the Legislature, beginning on bayou Lafourche at the lower line of the plantation formerly known as Charles Ballot's plantation and following the lower line of the said plantation to the back corner of the same, and thence following a straight line drawn from said back corner to the lower side of Lacoupe of bayou Bœuf, and on the east side of bayou Lafourche by a line beginning on said bayou Lafourche, at the upper line of the plantation formerly known as the plantation of Etienne Fermier, and which, following the lower line of the said plantation, is continued until it intersects the southern limits of section one hundred and twenty-eight, in township fourteen, south, range fifteen, east; and it is bounded on the east by a line which separates it from the parishes of St. James, St. John Baptist, and Jefferson as follows; beginning at the point where the just-mentioned line intersects the southern limits of said section, one hundred and twenty-eight, in township fourteen, south, range fifteen, east, and running thence to the south-eastern corner of section one hundred and twenty-seven, in the same township and range; thence the south-eastern corner of section sixty-nine, in township thirteen, south, range fifteen, east; thence to the south-eastern corner of section twenty-five, in township thirteen, south, range sixteen, east, crossing bayou Chagby, or Cabahanosse; thence to the south-east

corner of section twenty-four, in township thirteen, south, range sixteen, east; thence on the line dividing section nineteen and thirty, of townships thirteen, south, range seventeen, east, until said line intersects bayou Chevreuil; thence following the right bank of bayou Chevreuil as far as the lake des Allemands, thence a line drawn from the mouth of bayou Chevreuil to the mouth of bayou des Allemands; thence the right bank of bayou des Allemands, as far as the Grand lake Baratavia; thence a line drawn from the mouth of the bayou des Allemands to the mouth of bayou Pierrot, the right bank of bayou Pierrot, the half of Petit lac des canards, the half of the bayou which unites the last with lake Rond, the half of lake Rond, the half of the bayou by which the said lake is united to lake des Ilets; from thence the bank of the lake des Ilets, as far as la passe a Mondion, the half of the pass a Mondion, as far as the sea, excluding the Cheniere Caminada and Grand Isle; and on the west by a line which divides it from the parish of Terrebonne, as follows: beginning at the point where the line between the parishes of Lafourche Interior and Assumption intersects the north boundary of township number sixteen, range number fourteen east; thence along said north boundary to the north-east corner of said township, thence east along the north boundary of township number sixteen, range number fifteen, six miles to the north-east corner of said township; thence north along the east boundary of township number fifteen, range number fifteen east, two miles; thence east according to the section lines of the public surveys, three miles to the back line of the lands of Mrs. Lemuel Tanner, at a distance of eighty arpents from the bayou Terrebonne; thence winding round the settlement of the said bayou Terrebonne, to the distance of forty arpents from bayou Lafourche, to be continued until a distance of eighty arpents from the latter bayou can be effected without encountering the limits of the lands on bayou Terrebonne; from thence, still at the distance of eighty arpents from bayou Lafourche, a line parallel with the said bayou to the bayou Blue Water, and thence following the right bank of said bayou, to the sea.

TERREBONNE.

The parish of Terrebonne is composed of all that portion of country, lying to the south and west of the parish of Lafourche Interior, and extending to the sea. It is bounded on the east by the parish of Lafourche Interior, on the south by the sea, on the west by the Atchafalaya bay, and the parish of St. Mary, from which it is divided by a line starting from the lower side of La Coupe of bayou Bœuf, and running to the settlement on the Atchafalaya, and following the eastern shore of Atchafalaya bay to the sea, and including Marsh Island, and on the north by the parish of Lafourche Interior, and the parish of Assumption from which it is divided by a line drawn from the lower line of Charles Ballot's plantation to La Coupe of bayou Bœuf.

ASSUMPTION.

The parish of Assumption lies on both sides of bayou Lafourche and extends from the parish of St. James, which bounds it on the east and north-east, to the parishes of St. Mary and St. Martin, which bound it on the west, from which it is divided by a line

1837.
23 2.

1827.
136 1.

1830.
64 1.

1850.
68 1.

1822.
74 1.

1822.
74 1.

1850.
68 1.

1807.
12 9

1835.
141 1.

established by the commissioners appointed under the authority of the act of the Legislature, approved March 20th, 1835, until the said line reaches the bayou Bœuf or at its communication with lake Palourde; and instead of the line extending to the depth of forty arpents on the east bank of said bayou, the line shall be considered and established to run in the middle of said bayou until it reaches the pass leading from the bayou Bœuf to the mouth of the bayou Black, through the middle of said bayou to the mouth of the bayou Black, thence down the bayou Chene, as laid down by the commissioners, as laid down under the law of eighteen hundred and thirty-five, providing for running the boundary lines between the parishes of this State. And it is bounded below by the parish of Lafourche Interior, and on the south by a part of the parish of Terrebonne, on the north by the parish of Ascension, from which it is divided by the line laid down in Catesby Graham's Map of the State of Louisiana. The line between St. James and Assumption, is not defined or referred to in any act of the Legislature.

1842.
314 1.

IBERVILLE.

1847.
92 2.

The parish of Iberville lies on both sides of the Mississippi river. That portion of the parish lying east of the Mississippi river, is bounded below and on the east by the parish of Ascension and above and on the north by the parish of East Baton Rouge. That portion of the parish, lying on the west side of the Mississippi river, is bounded below, and on the south by the parish of Ascension, on the west and south-west by the parish of St. Martin by a line which shall begin at a point where the line between townships eleven and twelve, strikes the Atchafalaya, commonly called Grand River, or Old River, on its western bank, west of and near lake Natchez; thence running west along said township line until the same strikes the eastern branch of bayou Pigeon; thence along the middle of said bayou, and middle of little bayou Pigeon to the north of Cross Bayou; thence along the middle of Cross bayou to its junction with lake Long, commonly called Murphy's lake; thence through said lake to a point on its western shore, three miles north of said township line; thence west parallel therewith to lake Chicot; thence along the eastern border of said lake Chicot to the main eastern navigable entrance into bayou Sorel Bay; thence northwardly along the middle of said entrance or pass, and bayou Sorel Bay to the upper bayou Pigeon; thence along the middle thereof, northwardly, to its junction with the Atchafalaya, called Grand River; thence along the middle of Grand River to Oski Bay; thence through the middle thereof to the eastern branch of the bayou Alabama; thence following the said branch, including the inhabitants of both sides thereof, upwards to the township line between townships six and seven, or the southern boundary of the parish of Pointe Coupee; the portion north and east of said line to belong to the parish of Iberville, and south and west to the parish of St. Martin; and on the north upon the river, by a line beginning at the Mississippi river, opposite the bayou Manchac, and running thence to the bayou Grosse-Tete, as established by commissioners appointed under the act, approved April 7th, 1826; and thence by a line running northward, in

1826.
3.

1826.
7.

the rear of the parish of West Baton Rouge to the southern boundary of the parish of Pointe Coupee in such a manner as to include all the country west of the said bayou Grosse-Tete, and south of the parish of Pointe Coupee.

WEST BATON ROUGE.

The parish of West Baton Rouge lies on the west side of the Mississippi river and is bounded below by the parish of Iberville; west, by the parish of Iberville; and above, by the parish of Pointe Coupee.

POINTE COUPEE.

The parish of Pointe Coupée lies on the west side of the Mississippi river, and is bounded as follows: below and on the south by the parishes of West Baton Rouge and Iberville from which it is divided by a line starting from the lower mouth of False River, and running thirty-five acres along the lower channel of False River, then following the back lines of the plantations of West Baton Rouge, until said line reaches the line between townships five and six; thence by a direct line to the lower corner of ranges nine and ten, between townships six and seven; thence following the line of ranges nine, eight and seven, between townships six and seven, to the Atchafalaya; and thence by a line following up the said Atchafalaya river to its mouth on the Mississippi river, which separates the said parish from the parishes of St Landry and Avoyelles.

CALCASIEU.

The parish of Calcasieu lies in the south western corner of the State, and is bounded on the west by the Sabine river which divides it from the State of Texas; on the south by the gulf of Mexico; and on the east and north by the parishes of Vermillion, St Landry and Rapides, from which it is divided by a line as follows, to wit: commencing at the mouth of the River Mermen-ton, thence up said River to the mouth of the Bayou Nez piqué, thence up said Bayou to the Mouth of Beaver Creek, thence due north to the dividing lines between the parishes of St Landry and Rapides and thence along said line to the Sabine River.

ST MARY.

The parish of St Mary lies on the Gulf of Mexico and is bounded on the east by the parishes of Terrebonne and Assumption; on the north and northwest by the parish of St Martin from which it is divided by the "Great Lake" and by a line running east from the upper line of the plantation known in 1811 as the plantation of Francis Boulte on the bayou Teche, to the said Great or Grand Lake, and west from the said Francis Boulte to the head of the canal leading to the Petite Anse island, and thence down the canal to bayou of the Petite Anse; and on the west and north west by the parishes of Vermillion and Lafayette from which it is divided by a line which is the same with that established by act approved January 17, 1823, when the parish of Lafayette was created, and which forms the western boundary of the two parishes of St Mary and St. Martin and is as follows: beginning at the northern boundary of the former county of Attakapas, at the junction of the Bayou Carancro with the Bayou Vermillion; thence down said Bayou Vermillion with its mean-

1807.
12 9.

1825.
82 1.
1838.
21. 1, 2 & 3.

1840.
72 1.

1811.
24. 1 and 2

1813.
134 3.

1833.
28 1 and 2.

1823.
8. 1, 2 & 3.

ders, to the lower line of lands formerly claimed by Leclerc Fuselier; thence along the lower line of said tract of land, forty french arpents, thence along the back lines of the tracts of land fronting on the left or east bank of Bayou Vermillion to a point marked G. on the division line run by William Johnson, parish surveyor of the parish of St Martin, deposited in the office of the Secretary of State, thence east to the west or back boundary line of lands claimed by the heirs of Alexander Chevalier De Clouet, thence in a direct line until it intersects the north western boundary of lands formerly claimed by François Ledée, at a point marked I, on the plan of the division line run by William Johnson aforesaid; thence along said Ledée's boundary to the bayou Vermillion; thence as the Bayou Vermillion meanders to the junction of the Bayou Fortin with the Bayou Vermillion; thence up the Bayou Fortin as it meanders to the bridge over said bayou, near the plantation of Louis St Julien, thence along the line run by William Johnson aforesaid, to Lake Baigneurs, thence south nine degrees, ten minutes east, to the Gulf of Mexico.

ST MARTIN.

The parish of St Martin lies north of the parish of St Mary, and is bounded on the west by the parish of Lafayette from which it is divided by the line described in giving the boundaries of the parish of St Mary and beginning at the old boundary between the counties of Attakapas and Opelousas; on the north by the parish of St Landry, from which it is divided by the old boundary line between the said counties of Attakapas and Opelousas which is not defined in any legislative act; and on the east by the parishes of Iberville and Assumption.

VERMILLION.

1844.
45. 1

1823.
6. 1, 2 & 3.

The parish of Vermillion lies on the Gulf of Mexico and is bounded on the East by the parish of St Mary; on the west by the parish of Calcasieu; on the north by the parish of St Landry, by the line separating the county of Attakapas from the county of Opelousas; and on the north east by the parish of Lafayette, from which it is divided by the following described line, to wit: starting at the point where the line dividing the parishes of Lafayette and St Martin crosses the bayou Park Perdu, from said point in a direct line to the fire-woods on the coulée known by the name of Dally's Coulée, from thence down said coulée to the bayou Vermillion, thence along said bayou to the mouth of the Coulée des Cannes, thence along said coulée to the mouth of Grange's Coulée to the last timber therein, thence in a direct line to the first timber on the Indian Point Coulée, thence down said coulée to the mouth or its junction with the Bayou Queue Tortue, forming the boundary of the parish of St Landry.

LAFAYETTE.

The parish of Lafayette lies west of the parish of St Martin and is bounded on the south east by the parish of St Mary; on the south west by the parish of Vermillion, and the north west by the parish of St Landry.

AVOYELLES.

1818.
10. 1

The parish of Avoyelles lies on both sides of Red River and is immediately west of the upper part of the parish of Pointe Cou-

pée and the lower part of the parish of Concordia, and is bounded on the south by the parish of St Landry, on the west by the parish of Rapides, and on the north and north east by the parish of Catahoula, from which said parishes it is divided as follows: by a line beginning at the upper boundary of the plantation known in 1818 as the Widow Holmes' plantation, thence due north until said line strikes the principal branch of the Horse Pen Creek; thence down said Creek to where it enters the Bayou Saline, thence along said bayou Saline to its mouth or entrance into the Catahoula Lake, thence to the head of said bayou where it leaves Catahoula Lake, thence down the said bayou to its junction with Red River, thence down the same to the Mississippi river, thence down the Mississippi river to the Atchafalaya, thence down the same until a line running due west will include all the settlements and prairies of Bayou Rouge, shall strike Bayou Bœuf, up to the mouth of Hofpower bayou, from thence a straight line to the place of beginning.

1842.
106. 1.

1847.
113. 1

1848.
105. 1.

ST LANDRY.

The parish of St Landry is bounded on the east by the upper part of the parish of Iberville and the lower part of the parish of Pointe Coupée, from which it is separated by the Atchafalaya; on the west by the parish of Calcasieu; on the north by the parish of Avoyelles, and by a part of the parish of Rapides from which it is divided by the line dividing the former counties of Rapides and Opelousas; and on the south by the parishes of St Martin, Lafayette and Vermillion from which it is divided by the line forming the boundary between the former counties of Attakapas and Opelousas.

1807
12 9.
Constitution of
1812.
Art, 2. Sec. 10.

RAPIDES.

The parish of Rapides lies on both sides of Red River and is bounded on the east by the parishes of Avoyelles and Catahoula, on the south by the parishes of St Landry and Calcasieu, from which it is divided by the line forming the boundary between the old Counties of Opelousas and Rapides; and on the north west by the parish of Natchitoches, from which it is divided by a line which shall intersect the Red River at the confluence of the Rigolet de Bon Dieu, and shall run from thence on the west in a direct line to what was in 1809 the nearest corner of the county of Opelousas, and on the east side running in the direction of what was in 1809 the nearest corner of the county of Ouachita till it strikes the Salt Lake; thence along the eastern bank of said lake to the mouth of Bayou Salt; thence along said Bayou to the township line, between range two and three, North, to pursue said line to the Dugdemonia; all included in range two, to be embraced within the limits of the parish of Rapides, and all in range three to be in Natchitoches.

1807.
12. 9.
Constitution of
1812.
Art. 2. Sec. 10.

1809.
40. 1

1846.
42. 1

1847.
97. 1

CADDO.

The parish of Caddo lies in the north western corner of the State, on the west side of Red River, and is bounded on the north by the State of Arkansas, on the west by the State of Texas, on the south by the parish of De Soto, and on the east by the parish of Bossier; from which it is divided by a line described in 1838 as running as follows: beginning on the south west side of

1838.
11. 1

Red River where the township line between townships twelve and thirteen strikes the same due west, to the south west bank of Bayou Pierre Lake, thence up said Lake to the mouth of the Bayou la Bonne Chasse, thence up said Bayou to the most western part of Messrs. Bouduge and Vascocu's plantations, thence by a due south line until it intersects a direct line running from said western bank of Bayou Pierre Lake to the Sabine river, where the line between townships nine and ten strikes the same, thence pursuing the boundary line of the United States to Red River and down the same to the point of beginning, but which said line where it divides the said parish of Caddo, has been so modified that so much of what lies south and west of the Bayou Pierre River and Cypress Bayou and was comprised in the parish of Caddo in 1838 is annexed to and forms a part of the parish of De Soto according to the following change in the boundary line, to wit: The line dividing the two parishes shall begin in the Bayou Pierre River where the boundary line of 1838 now crosses it, and thence it shall run up the said river to the mouth of Wallace Lake, thence up said lake to the mouth of Cypress Bayou, thence up said Bayou to the mouth of Lehi Bayou, and thence up said bayou to the boundary line as established in 1838.

DE SOTO.

The parish of De Soto lies on the west side of the Red River and is bounded on the north by the parish of Caddo, on the west by the State of Texas, on the south by the parish of Sabine and on the east by the parish of Natchitoches, and is divided from the same by a line described in 1843 as follows: Beginning on the south west bank of Red River, on the line dividing townships thirteen and fourteen; thence due west along said line to the range line between ranges twelve and thirteen; thence due north along said range line to the township line between townships fourteen and fifteen; thence due west along said township line to the Ketchie Bayou; thence southwest, up said bayou, to the section line between sections eighteen and nineteen, in range fifteen and township fourteen; thence due west along said section line to the line between the United States and the Republic of Texas; thence due south along said line to the Sabine river; thence down said river to where the section line in the centre of township ten strikes the said river; thence due east along said section line to the range line between ranges ten and eleven; thence due north along said range line to the bayou Wallace; thence down said Bayou Wallace until it empties into Madam Dooley's Bayou; thence down said Bayou to the mouth of James River; thence up said river to the Bayou Pierre river; thence up said river to the bayou Winsey; thence along said bayou to Red River; thence up said river to the place of beginning; modified however as mentioned and described in giving the boundaries of the parish of Caddo.

SABINE.

The parish of Sabine lies on the Sabine river and is bounded southwardly by the parish of Rapides, on the north by the parish of De Soto, and the west by the State of Texas, and to the eastward it is bounded by the parish of Natchitoches from which said

1843.
77. 1

1843.
52. 1

1843.
77. 1

1843.
25. 1

1843.
27. 1

parish of Natchitoches it is divided by a line beginning at the point where the dividing line between the parishes of Rapides and Natchitoches intersects the line between ranges seven and eight; thence north on said line to its intersection with the line between townships four and five; thence west on said line to the line between ranges eight and nine; thence north on said range line to its intersection with the line between townships six and seven; thence west on said line to the line between ranges nine and ten; thence north on said range line to its intersection with the line between townships eight and nine; thence west on said line to the line between ranges ten and eleven; thence north on said range line to its intersection with the line between townships nine and ten; thence west on said line to the line between ranges eleven and twelve; thence north on said range line to its intersection with the line between townships ten and eleven.

NATCHITOCHEs.

The parish of Natchitoches lies on both sides of Red River and is bounded below by the parish of Rapides; above on the east side of Red River by the parish of Claiborne, and on the west side by the parish of De Soto; and on the west by the parish of Sabine; and on the east by the upper part of the parish of Catahoola and the lower part of the parish of Jackson.

ACCOUNTS.

1. The money account of this State shall be expressed in dollars or units, cents or hundredths, and mills or thousandths; a cent being the hundredth part, and a mill the thousandth part of a dollar; and all accounts in the banks and public offices, and all proceedings in the courts of this State, shall be kept and had in conformity to this regulation.

2. Whenever any officer of this State, whose compensation depends upon or is to be computed by term of service, shall qualify himself to enter on the discharge of his duties by taking and subscribing the necessary constitutional oath, he shall without delay transmit to the Auditor of Public accounts, a true copy of said oath, who shall thereupon record the date thereof, in a book to be kept by him for that purpose.

1805.
38. 1
Public accounts,
how to be kept.

Oath of certain
officers to be trans-
mitted to Auditor
of public accounts.
1847.
145. 1

ADVERTISEMENTS.

1. It shall be the duty of the Sheriff of any parish in the State, except the Parish of Orleans, in which a newspaper is published, to publish all his advertisements for sales in said paper, or one of them, if there be more than one; Provided that this advertisement in a newspaper shall not be required when there is no newspaper published in the parish.

2. The publisher as aforesaid shall not be entitled to demand more than at the rate of one dollar for every hundred words for the first insertion, and half of that sum for each subsequent insertion, for the same notice, for the time prescribed by law; and the said advertisement shall be inserted in said paper once a week, and no oftener; and in the event of a refusal of a publish-

Duties of sheriffs,
out of the parish
of Orleans, with
regard to judicial
advertisements.
1850.
261. 1

Rates of charges
for said advertise-
ments.
1850.
261. 2

er of a newspaper to publish said advertisement at the above rate, then the publication in the newspaper shall not be necessary, but shall be done by posting the advertisement in three conspicuous places in the parish; Provided that the defendant shall have the right to select the paper, if more than one is published in the parish.

3. It shall be the duty of the Sheriff of each parish, immediately on the publication of the first number of any newspaper containing any advertisement as aforesaid, to cut out from said paper the said advertisement, and post up the same at the Court House door, for which the said Sheriff shall be entitled to receive no charge; Provided that it shall no longer be the duty of the Sheriff to post up notices of Sheriff's sales in three conspicuous places in each parish, except in those parishes where no newspaper is published, or where the editor or publisher refuses to advertise at the rate established in the foregoing section of this act.

4. It shall no longer be the duty of Constables of the different parishes of the State to cause to be inserted in any newspaper the notices or advertisements of sales to be made by them, unless the same shall be required by the plaintiffs or the defendants, or their attorneys, in which case it shall be done at the charge of the party requiring the same; and a publication of such sale affixed at the court house door and at two other public places in the parish shall be sufficient.

5. Whenever a notice or advertisement of any sale not above provided for, or any monition, is required to be inserted in a newspaper, the publisher thereof shall not be entitled to demand more than at the rate of one hundred cents the hundred words for the the first insertion, and one half of that sum for each subsequent insertion of the same notice, advertisement, or monition for the time prescribed by law; and in the event of the refusal of the publisher of a newspaper to publish at that rate, then the publication may be made by the nearest publisher out of the parish.

6. Whenever a notice or advertisement of any sale required to be inserted in a newspaper, cannot be so inserted, on account of the inability of the officer making the advertisement to procure its insertion upon the terms and at the price mentioned in the preceding section, then such notice or advertisement shall, in lieu of such insertion, be affixed to the court house door and at two other public places in the parish in which said notice or advertisement is required to be affixed when inserted in a newspaper; Provided, however, that the officer making the sale shall, in his return or process verbal thereof, state his inability to procure an insertion in the newspaper upon the terms aforesaid, and in lieu thereof, has affixed the notice or advertisement as above directed; and in case of failure so to state, he shall be personally liable for all the damages sustained by any person therein.

7. Whenever a monition cannot be inserted at the price and the rate in the preceding sections mentioned, then in lieu thereof such insertion may be made in any newspaper published within sixty miles of the place where the sale was made, and said publication shall be sufficient so far as relates to the newspapers in

1850.
161. 3
Advertisements
to be posted up at
the court house
door.

Notices, &c., not
required to be in-
serted in newspa-
pers, except at in-
stance of parties
interested.

1843.
93. 1
1850. 261. 1
Notices to be
posted up in public
places

Rates of inser-
tion.

1843.
93. 2

Duty of officer in
case of inability to
procure insertion
of notices in news-
papers.

1843.
93. 3

Proviso as to the
return to be made
of sale.

Of publication of
monitions.

1843.
93. 4

which the insertion is to be made: Provided, however, that the Judge shall be satisfied by the oath of the party, or a competent witness, of the reason why the publication is so made, and shall make mention thereof in the decree or order homologating the same. The parish of Orleans is excepted from the foregoing provisions.

Parish of Orleans,
excepted
1843. 91. 5

8. In public sales to be made by sheriffs, auctioneers, or other public officers, and which are or may be required by law to be preceded by advertisements, it shall be the duty of such sheriffs, auctioneers, or other public officers, in their procès verbal, deed or act of sale, to state the manner, time and place of making such advertisements, which statement so required to be made shall be held to make proof of manner, time and place of making said advertisements, or any question that may grow out of the sale wherein the same was made.

Statements of in
proces verbal.
1834.
122. 1

9. When a question shall arise out of any public sale heretofore made by the sheriff, auctioneer, or other public officer, and which sale was required by law to be preceded by advertisements, the fact of sale being proved, it shall make prima facie evidence that the required advertisements were regularly made.

Presumption of
regularity.
1834.
122. 2

10. If any sheriff, auctioneer, or other public officer, whose duty it may be to advertise and make any public sale, shall fail to make the advertisements required by law to be made, such sheriff, auctioneer, or other public officer so failing to make the advertisements required by law, shall be personally liable for all damages sustained by any person interested therein, and which could flow from such failure to advertise.

Liability of pub-
lic officers.
1834.
123.

11. All informalities connected with or growing out of any public sale made by a sheriff, auctioneer, or other public officer, shall, after the lapse of five years from the time of making the same, be prescribed against by those claiming under such sales, whether they be minors, married women or persons interdicted.

Prescription,
1834.
123. 4

12. In all cases where it is required by law, that orders, notices or advertisements of any kind, by clerks, auctioneers, or other public officers, shall be inserted in public newspapers, such publications and insertions shall be as valid when made in supplements to newspapers, as if the same had been made in newspaper sheets.

Publication of ad-
vertisements in
supplements legal.
1835.
54. 2

13. In all advertisements of sales of property under execution, the sheriff shall be bound to insert the title of the suit in which the writ issued.

Title of suit to
be inserted in ad-
vertisement.
1839.
168. 14

ADVERTISEMENTS IN THE PARISH OF ORLEANS.

14. All advertisements which are required to be published in the parish of Orleans, by virtue of any law, order of court, or municipal ordinance, shall be published in French and English, for the number of times and for the period required by law, in one or more newspapers, the selection of which shall belong to the defendant in cases of seizure and sale, and to interested parties in other cases, or to the sheriff or other officer as the case may be, should the said defendant or other interested parties fail or neglect to make their own choice: Provided that all advertisements in the French language shall be inserted in a newspaper published in English and French.

Advertisements in
the parish of Or-
leans.
1850.
187. 1

ADVERTISEMENTS IN CERTAIN PARISHES.

Advertisements and judicial proceedings in certain parishes, and in certain cases not to be published in the French language.

1847.

120. 1

Publication of legal notices, in Avoyelles.

1841.

202. 1

1850.

261. 1

Judge allowed to advertise in certain cases.

1843.

72. 1

How notices of judicial sales shall be published in the parish of Caddo.

1841.

37. 1

1850.

261. 1

How and where published for the parish of St. Helena.

1842.

162. 1

Notices in certain parishes not to be published in newspapers.

1834.

49. 1

The manner of publication in certain other parishes

1839.

174. 1

15. It shall not be necessary to publish in the French language any legal advertisement or judicial proceedings whatsoever, in the parishes of Claiborne, Bossier, Caddo, Desoto, Sabine, Jackson, Union, Ouachita, Concordia, Livingston, Catahoula, Madison, Carroll, St. Helena, East Feliciana, Morehouse, Rapides, Franklin, Caldwell, and Washington, unless one of the parties in interest require it, in which case the party requiring it shall so inform the officer whose duty it is to make the required publication.

16. It shall not be necessary in the parish of Avoyelles, during the time in which there is no newspaper printed in said parish, to publish any of the appointments of curators and administrators, the homologation of the accounts of the same, and the tableau of distribution of syndics, required by existing laws to be published in the paper printed in the adjoining parishes, without regard to distance, all laws to the contrary notwithstanding; Provided that all notices required by law in such cases shall be published by posting them up at the court house door of the parish, and at three other the most public places to be selected by the officer whose duty it shall be to give said notices. But the Judge in the parish of Avoyelles is allowed to advertise his notices of appointments of curators and Administrators, the homologation of the accounts of the same, the tableau of the distribution of syndics, and such others as are used in probate proceedings.

17. It shall not be necessary to publish notices of judicial proceedings relative to successions, notices of such judicial sales as are not made by sheriffs, or sales of succession property in the parish of Caddo in any public newspaper, but in these cases it shall be deemed sufficient if notices are placed on the court house door and in five other conspicuous places in said parish in the English language.

18. In the parish of St. Helena, whenever a publication in a newspaper is required by law of judicial proceedings, the said publication shall be made in the nearest newspaper.

19. It shall not be necessary for the parishes of Pointe Coupee, Livingston, Lafayette, Claiborne, Carroll, where no newspapers are published, to publish any of the advertisements respecting meetings of creditors, appointments of curators to vacant successions, motions for homologation of accounts, and all other advertisements required by law to be published in the papers printed in the adjoining parishes, without regard to distance, all laws to the contrary notwithstanding; Provided, that all notices required by law in such cases shall be published by sticking them up at the court house door of the parish, and three other public places, to be selected by the officer whose duty it shall be to give said notices.

20. It shall not be necessary for the parishes of St. Charles, St. John the Baptiste, and Plaquemines, where no newspapers are published, to publish any of the advertisements respecting meetings of creditors, appointments of curators to vacant successions, meetings for homologation of accounts, and all other ad-

vertisements required by law to be published in two newspapers printed in New Orleans, but such notices shall be published by sticking them up at the court house door of the parish, and at three other public places, to be selected by the officer whose duty it shall be to give said notices.

21. All judicial sales of real estate or slaves in the parish of Jefferson shall be advertised in the French and English languages, during the period required by law, in a newspaper published in said parish: Provided that in all sales under execution, the defendant may, within three days following the notice of seizure, require the sheriff, or other seizing officer, to make such advertisement in only one of said languages, which said defendant may select, in which case said sheriff or other officer, shall state the fact in his return of the execution, or in the deed of sale to the purchaser, and such statement so made shall be conclusive proof of the fact.

22. The price of such advertisement (except in sheriff's sales which are regulated by other law,) shall in no case exceed thirty cents for every hundred words, for each insertion in each language; provided that if publishers of newspapers in said parish shall refuse to publish said sales at the above rates, or if no newspaper be published in such parish, it shall be lawful for the sheriff or other officer to publish the same by posting notices of sale in the French and English languages, at three public places in said parish.

23. It is hereby made the duty of the publisher of any newspaper in said parish containing the advertisement of a sale of any real estate or slaves, by order of, or under execution from the district court in said parish, to furnish the clerk of said court with a copy of such paper, in default whereof such publisher shall not be entitled to payment for the advertisement, and said clerk shall record such advertisement in a well bound book, to be kept by him for that purpose, and shall append thereto the dates of its several publications, for which service he shall be entitled to charge ten cents for each advertisement, to be taxed as part of the costs, and said book shall be received as conclusive proof of such advertisement. No posting of any judicial sale of real estate or slaves in said parish shall be necessary, except in the cases provided for in the preceding section.

24. All sales of property situated in said parish, under execution issued from or by order of the district court in said parish, shall be made in said parish, any law to the contrary notwithstanding.

ADVERTISEMENTS IN THE PARISH OF VERMIL-LION.

25. All notices of the application for curatorship, or administration of estates, advertisements of the sales of property of successions, notices of the meetings of the creditors of insolvent estates, or of the filing of tableaux of tutors, executors, administrators or curators, advertisements of sheriff sales of property under execution, as well as all other cases, in which the law requires that public notice should be given, must be made in said parish of Vermillion, by manuscript advertisements in English and French

How advertise-
ment of judicial
sales is to be made
in the parish of
Jefferson.
1847.
122. 1

Duty of Sheriff
with regard to the
same.

Price to be paid
for said advertise-
ments. When noti-
ces are to be post-
ed up.
1847.
122. 2
1850.
261.

Duty of publish-
er of newspaper
containing a ad-
vertisements. Duty
of clerk. Fees of
clerk.
1847.
122. 3

Judicial sales of
property situated
in the parish of
Jefferson to be
made therein.
1847.
123. 5

Mode of publish-
ing judicial adver-
tisements in the
parish aforesaid.
1850.
246. 2

posted up at the court house door, and at two other public places in said parish of Vermillion.

Fees allowed for
said publications.
1850.
246. 3

26. The sheriff, auctioneer, or other officer, whose duty it may be to make any of the public notices required by this act, shall be allowed a fee of five dollars for each case, as a compensation for writing and posting the same.

Duty of the offi-
cer making said ad-
vertisements.
1850.
246. 4

27. It shall be the duty of the officer making the advertisements, required by the provisions of the preceding sections of this act, to file in the office of the clerk of the district court of said parish of Vermillion, one of said triplicate advertisements in every case, where the same shall be made, which said document shall be carefully kept and preserved by the clerk of said court, amongst the archives of his office.

Publication of
the proceedings of
the police jury.
1850.
246. 5

28. It shall not be necessary that the police jury or any tribunal, which may hereafter exercise the functions of said police jury, in and for said parish of Vermillion, publish their proceedings in a newspaper, but it will be sufficient that all its proceedings shall hereafter be published in the same manner and form as required for judicial advertisements.

ALIENS.

Commissions to
be granted only to
citizens.
1855.
22. 1

1. No person shall be commissioned to any office, either civil or military, within this State, except he be a native or naturalized citizen of the United States.

APPRENTICES.

Apprentices bound
to serve the term
or time expressed
in their indentures.
1806.
44. 1
1856
162. 4
Proviso.

1. All and every person or persons who may be bound to serve either as an apprentice in any act, mystery or occupation, or as a servant for the sole purpose of ordinary or hard labor, shall be bound to serve the term of time expressed in their indentures respectively: Provided always, that if the party so bound as aforesaid be under the age of twenty-one years, he or she must be bound with the assent of his or her parent, guardian or curator, or in case there be no such person in the parish, where the apprentice or servant resides, then by and with the assent of the mayor of any city in the State, or the Judge of the proper parish, with the approbation of one or more justices of the peace within the same: Provided, nevertheless, if the party so bound be a female, that the term of years of her apprenticeship shall expire at or before the time she arrives at the age of eighteen years, and if a male, at the period in which he shall arrive at the age of twenty-one years.

Term of inden-
ture.

Power of assign-
ment granted to
mayor or judges in
certain cases.
1806.
54. 4
1856.
162. 4

2. When any master or mistress shall remove from this State before the term of an apprentice, who has been bound for the purpose of acquiring the knowledge of any art, mystery or occupation, hath expired, then the mayor of any city, or the judge of any parish within this State, where such person had resided, shall have power to assign over the remainder of the term of apprenticeship to such other suitable person of the same trade or calling mentioned in the indenture; and the assigns shall have the same rights to the service of such apprentice as the master or mistress had at the time of his or her removal: Provided, that nothing in this section contained shall be so construed as to extend to servants whose indentures are assignable and who have been bound for the sole purpose of ordinary and hard labor.

Proviso.

3. In every case where any person shall be bound in any place where there shall be a school established, either as an apprentice or servant, who shall be under the age of twenty-one years, there shall be a clause in their indentures, binding the master or mistress to teach or cause to be taught the said apprentice or servant to read and write, as also to instruct him or her in the fundamental principles of arithmetic.

Where there are
Schools, apprentices
or servants
shall be taught to
read, write, &c.
1806.
56. 6.
1826.
162. 4

ATTORNEYS AT LAW.

1. The Judges of the Supreme Court be and are hereby authorized to appoint, from time to time, as they may think proper, a committee or board of examiners, to be composed of citizens of the United States and residents of this State, and members of the bar, whose duty it shall be to examine applicants for admission to the bar in this State, and to decide upon the qualifications of the applicant, and if found qualified or unqualified, the Judges shall re-examine upon the request of the applicant, and it is hereby made their duty to re-examine him in open court, and if they find him qualified he shall be licensed to practise law before the courts of this State : Provided, however, that if the applicant be a resident of the country, and the committee or board of examiners shall neglect to examine and decide upon his qualifications within ten days after his application, and if a resident of the city, within twenty days, he may then apply to the Judges of the Supreme Court, whose duty it shall be immediately to examine and decide upon the qualifications of the applicant, and if found qualified he shall be licensed to practise law accordingly ; Provided, however, that before examination, the applicant shall produce the certificate of the district Judge in the district where he resides, that he is a man of good moral character and that he is above twenty-one years of age.

Board of examiners.
1842.
516 1.

Re-examination.

Proviso.

1823.
72 1
1808.
130.

2. Whenever a person intending to practise law in this State has been already licensed in the Superior Courts of any of the other States, upon producing his license to the Judges of the Supreme Court of this State, together with evidence of a good moral character, he shall be examined in open Court touching his fitness to practise in the courts of this State, and if found qualified he shall be licensed accordingly, and shall not be subject to be examined by a committee or board of examiners.

In cases where
applicants have
been already licensed
in other States
&c.
1842.
516 2

3. Every counsellor or attorney, before he be allowed to practise in any of the courts of this State, shall be compelled to exhibit his license in each Court where he intends to practise, and he shall take an oath to support the Constitution of the United States, and also the following oath : "I (A. B.) solemnly swear (or affirm) that I will demean myself honestly in the practice as counsellor or attorney, and will discharge my duty, in every respect, to the best of my knowledge and ability." And if any person or persons, without being licensed or qualified as aforesaid, shall presume to practise as counsellor or attorney, he shall be condemned to pay a fine of five hundred dollars for every suit in which he shall appear, either for plaintiff or defendant; one half to the use of the informer, and the other half to the use of the State, recoverable in a summary way, on motion, giving the accused notice of such motion ; Provided, that nothing contained in this

Not to practice
without license.
1808.
130. 2

To take oath.

Penalty for practising
without license.
How appropriated
and recovered.

Proviso.

section shall be construed so as to debar or deprive any citizen from the privilege of appearing personally in any suit in which he may be a party.

Who are disqualified from obtaining licenses.

1808.
132. 3

Penalty for fomenting suits, quarrels, &c.

1808.
132. 4

1813.

28. 16

Old Con. Sch.

Sec. 1.

New Con. Sch.

Sec. 2.

Ibid. Art. 78.

4. Every person who has been heretofore, or may be hereafter, convicted of any crime, shall be disqualified from obtaining a licence to practise law.

5. If it shall be made to appear to the satisfaction of the District Court, that any attorney of the said Court, or of other courts of this State, has been guilty of exciting or fomenting any suits or quarrels, at law or otherwise, amongst the good citizens of this State, or makes a bargain or agreement with a plaintiff or defendant, depending on the event of any suit, to receive any portion or part of land, or any other property that may be in dispute or sued for, as a compensation for the services of any attorney or counsellor at law, he shall be forever disabled from practising law in any court within this State, and the said bargain or agreement is hereby declared null and void.

For absence or neglect

1808.

134.

Old Con. Sch.

3. 1

New Con. Sch.

78

Ibid. Sch. sec. 2

How recovered.

6. If a non-suit should be entered, owing to the absence or neglect of any attorney practising in the District Courts, without having a reasonable excuse, the costs shall be paid by said attorney, and he shall moreover be liable to pay all the damages which his client may suffer by being non-suited, or by any other neglect of said attorney; recoverable in a summary way, on motion, giving the accused notice of such motion.

For receiving money for clients and withholding it.

1808.

134. 6

7. Every counsellor or attorney who shall have received money for his client and who shall refuse to pay the same, or shall not deliver the same when requested so to do, shall be prosecuted in a summary way, by motion, giving the accused notice of such motion, and judgment may be rendered by any competent authority against him.

Punishment of contempt of court.

1813.

8. 1.

8. If any counsellor or attorney at law shall be guilty of any contempt towards the Supreme Court, or any District Court of this State, he may be punished therefor by fine not exceeding one hundred dollars, or by imprisonment not exceeding twenty-four hours, or by both, at the discretion of the Court; and if the offender be guilty more than once of the like offence towards the same court, he may be punished therefor by fine not exceeding two hundred dollars nor less than one hundred dollars, or by imprisonment not exceeding ten days, or both, at the discretion of the Court.

What amounts to a contempt.

1823.

82. 2

9. Nothing shall be construed or taken to be a contempt of Court by an attorney, but what shall be said, done or committed directly in the presence or hearing of the Court during the sitting of the same, and which shall abuse, vituperate or insult the judge or any or either of the judges of the said Court, or any other person in or belonging to said Court, or resist the authority or interrupt the proceedings thereof:—Provided, however, that nothing in this section shall be so construed as to alter the law for the punishment of persons not obeying any summons, writ or order, issuing from any Court of record in this State.

Fraudulent practices, how punished.

10. If any counsellor or attorney at law shall commit any fraudulent practice in any court in this State, or shall betray the interests confided to him by any client, it shall be lawful for the

injured party, or for any two members of the bar, to make a complaint thereof to the District Court of the district in which the party accused is domiciliated, if it be in session, or before the judge of said Court if it be not in session; the said complaint must be in writing, stating the facts of the case, and must be supported by the oath of the injured party or his counsel when he is the complainant, or by the oath of at least one of the members of the bar by whom the complaint shall be made, the said complaint shall be filed, and if the said Court or judge is satisfied that it is duly made, he shall cause the accused party to be summoned to appear at the court-house, there to show cause in eight days, why an information should not be filed against him. And if no good cause should be shown, an information shall be filed against him accordingly. The said information must contain a clear statement of the facts complained of, with the necessary circumstances of places and dates, in as full and precise a manner as would be requisite in an ordinary criminal information. Whereupon a jury shall be convened and impanelled for the trial of the said information, the accused having at least ten days notice of the trial, he shall have a right to challenge peremptorily five jurors, and such others against whom he can show good cause of challenge. In all other respects, the trial shall be conducted as in ordinary cases of trial for misdemeanor, and a new trial may be granted on the application of the accused, if sufficient cause therefor can be shown. And if the accused be found guilty of the charge made against him, the Court may either suspend his license during a certain period, or vacate and annul it altogether, according to the circumstances of the case.

11. No attorney or counsellor at law shall be otherwise punished for any contempt of Court, or suspended from or deprived of the right to exercise his profession, in any other manner, or for any other cause than is provided for specially by law.

12. Counsellors and attorneys at law are by the present act exempted from serving as jurors in any of the courts of this State, either as special or common jurors.

13. If any attorney admitted to practise at the bar of this State shall recover any sum of money for his client, and shall neglect or refuse to pay over said sum whenever thereto required by his client, without alleging any legal ground for such neglect or refusal, such attorney shall, on conviction of the fact, before any court of competent jurisdiction, be immediately erased from the list of attorneys, his license cancelled, and be forever incapable of appearing as such before any court of this State.

14. No lawyer shall be entitled to the benefit of the laws relative to insolvent debtors, for any sum by him collected in his capacity aforesaid.

15. No client or other person shall be held to be liable or responsible for any slanderous or libellous words uttered by his attorney at law, but attorneys at law shall be liable and responsible themselves for any slanderous or libellous words by them uttered.

ATTORNEY GENERAL.

1. An Attorney General shall be appointed, who after his ap-

1827.
82.3.

Not otherwise
punished.

1823.
81. 5.
1826
110. 1

Exempted from
serving as jurors.
1823.
84. 4

Attorneys how
proceeded against
in certain cases.
1826.
110. 1

Benefit of insol-
vent laws denied
to them.
1826.
110. 2

Attorneys at law
responsible for
their slanderous
words.
1828.
160. 23

Appointment and
duties of

1813.
30. 21
1850.
259. 1

pointment shall reside at the seat of Government, and whose duties shall be :

1st. To prosecute and conduct before the District Court of the State sitting in the Judicial District in which the seat of government may be, all civil suits in which the State shall be concerned arising in said judicial district, and to intervene if the interest of the State shall require such intervention, in all civil suits now pending or which may hereafter be instituted in the said Court when the amount claimed or the value of the property at issue in such suit or intervention shall exceed two thousand dollars.

2nd. To prosecute and conduct before the Courts of the State sitting in the first judicial District of the State, all civil suits arising in the said judicial district in which the State is interested, when the amount claimed or the value of the property at issue shall exceed two thousand dollars.

3rd. To prosecute and conduct before the Federal Courts all civil suits in which the State shall be interested and of which the said Courts shall have jurisdiction arising in the Federal judicial District or Circuit in which the seat of Government is located, when the amount claimed or the value of the property at issue shall exceed two thousand dollars.

4th. To intervene whenever the interest of the State shall require such intervention in all suits now pending or which may hereafter be instituted in the Courts of the First Judicial District, and in Federal Courts sitting in the Federal Judicial District or Circuit in which the seat of Government is located, when the amount or value of the property at issue in such intervention shall exceed two thousand dollars ;

And he shall have full power to take such steps in maintenance of the rights of the State in said Courts as in his discretion circumstances may require. It shall further be the duty of the Attorney General to institute such suit or suits in behalf of the State as to him may seem proper for the recovery of all real estate of Louisiana, and which is adversely claimed and possessed the value of which shall exceed two thousand dollars.

5th. To institute proceedings against all banking and other corporations chartered by the State and situated in the first and sixth Judicial Districts of the State, to obtain the forfeiture of their charters in cases of the violation of the same.

6th. To prosecute and defend all appeals to the Supreme Court sitting in New Orleans in which the State may be interested.

7th. To give his opinion in writing upon all questions of law when required by the Governor, Auditor of public accounts, State Treasurer, Adjutant General, Superintendent of Public education, State Engineer and Registers and Receivers of the Land office ; to appear and join the District Attorney for the parish of Orleans in all criminal cases of such magnitude as shall require his assistance therein, whenever so required by the Governor or requested by the said District Attorney.

Preference given
to suits of the
State.

1850.
260. 2

2. All suits brought by the attorney General and all appeals prosecuted by him shall at all times have a preference over all other cases.

3. The Attorney General shall keep two sets of books or journals which shall constitute the records of that office one of which shall contain a fair transcript of all the legal opinions given by him, and the other a brief statement of all the suits brought by him on behalf of the State with indexes.

Records to be kept by Attorney General.
1850.
260. 3.

4. The Attorney General shall receive a salary of three thousand dollars a year payable quarterly by the State on the warrant of the Auditor of public accounts, and five per cent upon all amounts collected by him; Provided the per centage so received shall never exceed two hundred dollars in any single case or suit.

Salary.
1850.
260. 4

5. The Attorney General after the expiration of his term of office shall continue to perform the duties thereof until his successor shall have been appointed.

Duration of his office.
1850.
260. 5

DISTRICT ATTORNEYS.

1. There shall be appointed by the Governor, by and with the advice and consent of the Senate, a District Attorney for each judicial district, whose term of service shall be limited to two years; but the terms of service of the District Attorney's first appointed shall terminate on the third Monday of February, eighteen hundred and forty-eight.

Appointment of District Attorneys.
1846.
16. 1

2. Said District Attorneys shall attend the sessions of the Court in each of the parishes in the judicial district, and shall represent the State in all civil and criminal actions, and shall represent the State in the Supreme Court holding sessions in their Districts in all criminal cases coming before the said Court, except in such Districts, and Courts and cases as have been specially assigned by law to the Attorney General.

Duties of District Attorneys.
1846.
61. 2
1846.
102. 4
1850.
259; 1, 2, 3, 4 and 5.

3. The said District Attorneys shall perform all duties required by law to be performed by District Attorneys, and shall receive therefor a salary of six hundred dollars, except the District Attorney of the parish of Orleans, who shall receive therefor a salary of twelve hundred dollars, payable quarterly on their own warrants, out of any money in the Treasury not otherwise appropriated, and the fees allowed by law.

Further duties of District Attorneys.
1846.
61. 3
Salary.

4. The District Attorneys in this State shall be entitled to receive the sum of ten dollars in each and every criminal prosecution to be paid by the defendant in said prosecution in case of conviction, and shall have a right to an execution or order of seizure for the recovery of said fee, and the same proceedings shall be had thereon as on an execution or order of seizure issued on a final judgment.

Fees and process for collection.
1847.
162. 1
164. 2

5. The District Attorneys, after the expiration of their term of service, shall continue to perform the duties of their offices, until their successors, or themselves in case of re-appointment, shall be inducted into office.

Must continue to perform duties, until superseded or re-appointed.
1827.
42. 1

6. The salary of the District Attorney of the Third Judicial District shall be eight hundred dollars, payable quarterly, on the warrant of the Auditor of Public Accounts, out of any money in the Treasury not otherwise appropriated.

Salary of Attorney of Third District increased to eight hundred dollars.
1848.
91. 1

AUCTIONEERS.

1. Any citizen of the State may become an Auctioneer for the parish in which he is a qualified voter, and be authorised to sell

Any citizen of this State authorized to act as Auctioneer, on certain conditions.

1848.

96. 1

What bond is to be given by Auctioneers.

1848.

96. 2

1850.

218. 3

1848.

116; 1, 2, &

3.

1847.

108.

Amount of the bonds of the auctioneers aforesaid

1848.

96. 3

One bond to be kept by the Recorder of Mortgages, the other by the Auditor.

1848.

96. 4

Certified copy to be evidence.

Duties of Judges when rendering judgment on the bonds aforesaid.

Auctioneers to take their licenses from the Auditor of public accounts.

1848.

96. 5

What persons are incapacitated from acting as auctioneers.

1848.

96. 6

All persons except those mentioned prohibited from acting as auctioneers.

1848.

96. 7

Penalty for so doing.

any real or personal estate at public auction or vendue, on giving bond and security for the faithful performance of his duties, according to the laws regulating auction sales.

2. Before entering upon his duties, he shall execute his bond, payable to the Auditor of Public Accounts, and his successors in office, with good and solvent securities, conditioned for the faithful performance of all the duties required by law, towards all persons who may employ him as Auctioneer, and for the prompt payment of the taxes or commissions payable to the State, and of all the sums which he shall receive in his official capacity belonging to other persons, which bond he shall execute in the manner and form required by law for the execution of all official bonds. On application to the Recorder of mortgages for his acceptance of his bond as auctioneer, he shall exhibit a certificate from the Register of Conveyances of his titles to the property offered as security, and the Recorder of mortgages, after deducting the amount of mortgages on said property, if there be any, shall be satisfied that the remainder is double the amount of the security required.

3. The bonds to be given shall be in the following amounts : ten thousand dollars for the city and parish of New Orleans ; four thousand dollars for the parish of Jefferson ; two thousand dollars for the other parishes of the State.

4. The Recorders of the several parishes, and the Recorder of Mortgages of the City of New Orleans, shall require of all persons who may wish to become Auctioneers, to execute and deliver to them said bond in duplicate, one of which bonds they shall transmit to the Auditor of Public Accounts, the other they shall keep in their offices, an authentic copy of which they shall deliver to any person who may wish to sue thereon for his own benefit for a violation of the conditions thereof, and the same shall be received in evidence in all courts of this State ; and in case judgment be rendered on said bond by reason of misdemeanor in office on the part of the Auctioneer, it shall be the duty of the Judge rendering said judgment to cause notice thereof to be given to the Auditor of Public Accounts.

5. In order that full faith and credit may be given to his acts, every Auctioneer who shall have complied with the foregoing provisions, shall demand and take out annually from the office of the Auditor of Public Accounts a license, with authority to do and perform all the business properly belonging to an Auctioneer.

6. No person shall act as an Auctioneer who is a defaulter, or is indebted to the State or any Municipal Corporation for any tax as an Auctioneer, license or commission which he has neglected to pay after final judgment rendered against him therefor.

7. No other person, other than an Auctioneer, or a civil officer acting under the authority of any Court of the United States or of this State, shall exercise the trade or business of an Auctioneer, by selling or offering for sale at Auction, any goods, merchandize, property or estate, real or personal, within this State, under a penalty of five hundred dollars for every offence, recoverable before the District Court of the parish where the offence

shall have been committed, or imprisonment, at the discretion of the court. And it shall be the duty of the district attorney to prosecute for the recovery of the same upon the information of any person, who shall be entitled to one half of said penalty when recovered, the other half to be paid into the public treasury for the use of free public schools; Provided, that in case of successions, the representative of the succession shall have the right to cause the sale to be made either by the sheriff or by an Auctioneer, or shall make the sale himself, in virtue of his representative capacity, but shall not receive any commission therefor; provided, that in case a parish is without an Auctioneer, it shall be lawful for the sheriff of the parish to act as Auctioneer when called upon.

Duty of District Attorneys.

Privilege granted to representatives of successions.

In what case sheriffs are authorized to act as auctioneers.

Punishment for mock sales.

1850.

217. 1

Duty of auctioneer when offering for sale jewelry of any kind.

1848

97. 8

Penalty for non-fulfilment of the duty aforesaid.

Duty of Auctioneer when selling cutlery.

1848.

97. 9

Penalty for violating the law.

Rates of duties to be paid on all objects offered for sale.

1848.

97. 11

3. Any auctioneer who shall exhibit and offer for sale at auction any article or articles, setting forth the character and value of said articles, and through the aid of mock bidders induce the purchase of the same by a real bidder, and who shall afterwards substitute any article or articles in lieu of those offered to and purchased by said bidder, shall, on conviction thereof be fined and imprisoned at the discretion of the court; and any mock bidder at any auction sale made as aforesaid, shall suffer a like penalty of fine and imprisonment at the discretion of the Court.

9. It shall be the duty of each and every auctioneer who shall offer for sale jewelry of any kind or description, to announce to the persons present, in a loud voice, whether the same be gold, silver, or of base metals, before proceeding to sell the same; also, whether the article offered is to be sold by the lot or by the piece, and if by the piece the number of pieces; every auctioneer who shall offer for sale any jewelry without first making such announcement, shall, on conviction thereof pay a fine of not more than one hundred dollars nor less than fifty dollars for each and every offence, the same to be recovered before any court of competent jurisdiction, for the use of the free public schools; and said sale shall not be binding or valid on the bidder.

10. It is hereby made the duty of each and every auctioneer, before he shall proceed to sell any cutlery, whether in a box or on a card, to state whether the same is to be sold by the piece or in gross, and if by the piece the number of pieces offered for sale; and every auctioneer who shall neglect or refuse to announce the same, shall in a like manner pay a fine of not more than one hundred dollars nor less than fifty dollars, to be recovered in like manner for the use aforesaid, and said sale shall not be valid or binding on the bidder.

11. Hereafter all lands, tenements, houses, ships, vessels, slaves, or any interest therein which shall be sold at public auction or vendue, or at private sale, within this State, by any auctioneer, (except such as are or may be exempted by law) shall be subjected to a duty of one half of one per centum, and all other effects and articles whatever to a duty of one half of one per centum of the value or price at which the same shall be sold as aforesaid, to be paid by the person who shall sell the same, to be subject each and every time the same shall be stricken off, to duties at the above rates.

Privilege granted to the purchasers of watches, plate or jewelry.

1848.

98. 13

In what cases auctioneers shall incur a penalty of 500 dollars.

Auctioneers not to purchase property which they sell.

1848. E. S.

14.

Auctioneers of the parish of Orleans exempted from jury duty.

1842.

28. 1

Auctioneer's commissions.

1805.

181. 9

1847.

62. 2

Commission.

1839.

104. 7

Auctions may be made throughout the parish.

1825.

130. 2

Payment of duties to the State upon auction sales.

1838.

45. 3

Property not subject to the duty to the State.

1805.

15. 7

12. The purchaser at auction of any plate, watch or jewelry, shall have the right to return said plate, watch or jewelry to the auctioneer, at any time within twenty-four hours from the day of said sale, if the said plate, watch or jewelry, is not the article in quality that the same is represented to be by the auctioneer; and the said auctioneer shall return to the said purchaser the price of said article on the return of said article or articles, and in default of the auctioneer to receive the said article or articles, and return the price, he shall forfeit his license and be liable to a fine of five hundred dollars, recoverable before any court of competent jurisdiction.

13. It shall not be lawful for any person acting as auctioneer, to purchase either directly or indirectly any property at a sale made by him, and any such sale shall be null and void.

14. The auctioneers for the parish and City of New Orleans shall be and they are hereby exempted from serving as jurors in any court of this State.

15. The auctioneers' commissions shall be after the following rates: On the sale of real estates, ships or vessels, and slaves, one per centum and on all other effects two and one half per centum on the value or price at which the same shall be sold as aforesaid; and any auctioneer who shall receive or accept of any higher or further reward for his services, in the sale of any effects whatsoever, shall forfeit the sum of five hundred dollars for every such offence, for the use of the State. Upon sales made by them of all succession property, they shall be entitled to receive a commission of one per centum upon all sums under twenty-five hundred dollars, and one half of one per centum upon all sums above that amount.

16. No auctioneer shall demand or receive a higher compensation for his services than the commission allowed by law on the amount of any sale, public or private, made by him.

17. The auctioneers of the several parishes shall have power, and are hereby authorised to attend and make sales in any part of the parish, any law to the contrary notwithstanding.

18. No notary or other person or persons shall, under penalty in favor of the State of five hundred dollars for each and every offence, execute or pass the deed of sale of real or personal property, predicated upon an adjudication at public auction, until the charges attending such sales be first paid in cash; which payment shall be made to appear to the notary by filing with him the receipt of the auctioneer, or his certificate to that effect attached to the process verbal of the sale furnished to said notary, which receipt or certificate shall be annexed to such act of sale for reference; and moreover, the State shall have a lien on the property sold for the amount of the auction taxes, which lien may be enforced by executory process, on the certificate of adjudication.

19. All goods and chattels, lands and tenements which may be hereafter seized by any public officer, for or on account of any forfeiture or penalty, goods and effects of deceased persons, or effects distrained for rent, or taken in execution, and the goods of insolvent debtors, shall in no wise be subject to the duty to the State on auction sales.

20. In the city of New Orleans, it shall belong solely to the master and wardens of the Port at New Orleans, or any two of them, to order and direct the sale of damaged goods by public auction, for the benefit of the concerned; and goods thus sold by any auctioneer shall not be subject to any duty to the State. And any auctioneer who shall otherwise sell such goods, shall be subject to a forfeiture of five hundred dollars to be recovered by the State, and the goods thus sold be subject to the State duty of two and one half per centum.

Goods sold under
direction of port
wardens of New
Orleans.

1805.
134. 11
1836.
53. 1

21. No person shall expose to sale at public auction or vendue any effects on which a duty is laid as a deputy to any auctioneer, under the penalty of five hundred dollars for the use of the State for each offence: no auctioneer shall authorize any person to act as his substitute in making any auction sale, but shall in all cases make in person the sale advertised by him. Provided however, that in cases of temporary absence or sickness, the said auctioneer may appoint any one of the duly licensed auctioneers of the parish in which they reside to act for him during such temporary absence or sickness. Such appointment shall not be made without the written consent of the security or securities of said auctioneer, which written consent shall prevent the said security or securities from pleading any exemption from his or their responsibilities on the bond of the said auctioneer, in consequence of any appointment made under the provisions of this section.

Effects on which
a duty is laid, not
to be sold by a de-
puty, under penal-
ty.

1805.
16. 8
1836.
53. 2
Proviso.

22. It shall not be lawful for any auctioneer to proceed to the sale of any slave or real estate whatever, without producing at the time thereof from the office of register of mortgages, a certificate stating whether there be any hypothecation of the said property so offered for sale, and if any to what amount. And in case he shall proceed to any such sale without such certificate, he shall be liable to a penalty of five hundred dollars for each offence, to be recovered by the purchaser at such sale in any court having cognizance of that amount. It shall be the duty of the auctioneer, immediately after such sale, to deliver to the purchaser a memorandum of the sale and purchase, designating the object and day, so that such purchaser may cause the same to be registered according to law in the said office within six days thereafter.

Duty of, in the
sale of slaves, and
real estate.

1805.
18. 10

18. 11

Penalty.
20. 12.

23. Whenever an auctioneer shall expose for public sale and shall sell any goods belonging to any succession, it shall be the duty of such auctioneer to make a process verbal of such sale, and within fifteen days after said sale, he shall deposit said process verbal in the office of the notary who shall be mentioned to him by the parties.

Auctioneer sell-
ing goods of a suc-
cession, to deposit
proces verbal of
sale in the of-
fice of the notary.

1806.
70. 1

24. No auctioneer in the City of New Orleans shall, at the same time, have more than one house or store for the purpose of holding his auction of dry goods sales, and one for the purpose of holding his grocery sales: Provided, he may be at liberty to sell at the different exchanges in this city, or at private stores when called upon to do the same by the owners of the goods or of any kind of moveable or immovable property, or in the public streets or on the levee for all goods sold in original packages as import-

Restrictions.

1839.
102. 6

ed, household furniture and such bulky articles as are usually sold at such places. And every auctioneer, on the first day of November of every year, shall designate, in a writing signed by him, such house or store, and shall also name therein the partner or partners, if any, engaged with him in business, and shall deposit said writing or declaration with the Auditor.

Duties of auctioneers in the parishes of Orleans and Jefferson.

1850.

145, 70

25. Every auctioneer in the city of New Orleans and the parish of Jefferson, shall make out in writing a quarterly account, dated on the last days of March, June, September and December, in each year, and shall therein state minutely and particularly:

First—The sums for which any goods or effects shall have been sold at every auction held by him, from the date of his last quarterly account.

Second—The days on which sales were made, and the amount of each day's sale.

Third—The amount of all private sales made by himself or any of his partners on commission, and the days on which such sales were made.

Fourth—The amount of the duties chargeable on all sales, public or private, mentioned in the account.

Auditor of public accounts authorized to audit in New Orleans the accounts of the auctioneers of the parishes of Orleans and Jefferson. His fees for so doing.

1850.

145, 71

26. Every such account, within ten days after the day on which it is dated, shall be exhibited to the auditor of public accounts, who is hereby authorized to audit in the city of New Orleans, the account of any auctioneer of Orleans and Jefferson, and to charge a fee of five dollars therefor, and every auctioneer exhibiting an account shall take the following oath before the auditor, and auctioneers of the rest of the State shall take said oath before any justice of the peace of the parish in which said auctioneers are authorized to exercise their functions:

Oath of auctioneers on presenting their accounts to be audited.

“I do solemnly and sincerely swear or affirm that the account exhibited by me, and to which I have subscribed my name, contains a just and true account of all the lands, slaves, goods and property of every description, sold or struck off at public sale, or sold by me at private sale on commission, whether subject to duty or not, and the days upon which the same were respectively sold; that I have examined the entry of all the sales mentioned in said account, in the book kept by me for the purpose, and fully believe this account to be in all respects correct: And further, that I have during the time therein mentioned, conformed in all things, to the true intent and meaning of the laws regulating sales by auctioneers, according to the best of my knowledge and belief.”

Payments to be made by auctioneers into the State treasury.

1850.

146, 72

27. Such oath shall be reduced to writing, be endorsed on the account, and be subscribed by the auctioneer taking it; and every auctioneer of the parishes of Orleans and Jefferson, within ten days after he shall have exhibited his account as aforesaid, shall pay for the use of the State, into the treasury thereof, the duties accrued on the sales mentioned in the account.

Accounts of auctioneers out of the parishes of Orleans and Jefferson, how settled.

1850.

145, 73

28. The auctioneers throughout the State, those in the parishes of Orleans and Jefferson excepted, shall settle their accounts with the treasurer annually.

29. Every auctioneer, who within the period limited for his ac-

counting, shall have made no sales public or private of any property, real or personal, liable to auction duties, shall make and subscribe an affidavit of those facts before the auditor or justice of the peace, as the case may be.

30. Any auctioneer who shall neglect to pay into the State treasury the duties required by law, upon auction sales made by him, shall forfeit his license; and in case he refuses to return the same, the auditor of public accounts shall give public notice, in the newspaper published by the State printer, of the cause for which the license of said auctioneer has been forfeited, and that his license is withdrawn from him.

31. All sales of goods by public auction in the city of New Orleans, excepting sales of books, shall be made in the day-time, between sunrise and sunset.

32. Every auctioneer who shall refuse or neglect to perform any act or duty which is required by the foregoing provisions in relation to auctioneers in the parish of Orleans, shall be deemed to have forfeited his license, and shall be incapable of doing any act by virtue thereof.

33. All lands, tenements, houses, ships, vessels, slaves, goods or effects, sold by auction, shall in all cases be struck off to the highest bidder, except such as may be limited, and which the auctioneer shall have the right to bid in himself; and where the owner or any person employed by him shall be such bidder, they shall be subject to the same duties as if struck off to any other person; but this provision shall not be construed to render valid any sale that would otherwise be deemed fraudulent and void.

Certain affidavit to be made by an auctioneer on a certain contingency.

1850.

146. 74

Penalty incurred by auctioneers for not paying what they owe to the State treasury.

Duty of the auditor.

1850.

146. 75

All sales, except those of books, to be made between sun rise and sunset.

1839.

104. 11

A non performance of duty to involve a forfeiture of license.

1839.

104. 12

All goods struck off to the highest bidder.

1839.

102. 4

Cases excepted.

AUTHENTICATION OF DOCUMENTS.

(See Commissions to take Testimony.)

BILLS OF EXCHANGE AND PROMISSORY NOTES.

1. Upon all bills of exchange and promissory notes made negotiable by law or by usage and customs of merchants, three days of grace only shall be allowed.

Days of Grace.

1805.

98. 3

2. Any bank or banks established within this State under the authority of the government thereof, or the government of the United States, may lawfully demand and receive discounts and interest at the rate of six per cent per annum, and no more, unless specially authorized by law.

Banks may receive discounts at 6 per cent.

1805.

98. 4

3. No bill of exchange, promissory note, or other obligation for the payment of money, within this State, shall be received as evidence of a debt, when the whole sum expressed in such bill of exchange, promissory note, or other obligation, shall be expressed entirely in figures, unless the same shall be accompanied by proof that the said bill, note or obligation was given for the sum therein expressed to be due or payable.

Bills and notes how written.

1825.

58. 2

4. Nothing contained in the foregoing section shall in any manner impeach the validity, or in any wise affect any bill, note or obligation, in which the cents, or parts of cents, or fractional parts of a dollar, shall be in figures only.

Fractional parts of a dollar may be in figures.

1825.

58. 3

5. The notaries public in the city of New Orleans are hereby

Protests, by whom made.

1823.
38. 2
1846
72. 3

Parish Recorders may perform the duties of notaries.

1846
71. 1

Protests, how made, and notices thereof, how given

1827
67. 1

Copy of made evidence.

When notices are to be put in the post office.

1827
67. 2

How, when residence of parties is not known.

1827
67. 3

Notaries to record protests of promissory notes and bills of exchange and their notices.

1821
44. 1
1846
72. 3

empowered to protest bills of exchange, notes, and other negotiable effects, throughout the whole extent of the parish of Orleans, and in default of notaries public and parish recorders discharging the duties of such in the country, any justice of the peace may protest the same in the presence of two persons residing in the parish, who shall certify and subscribe the same as witnesses.

6. Parish recorders shall be vested with all the authority, and shall exercise all the powers and perform all the duties, that appertain to public notaries in general.

7. All notaries, or persons acting as such are authorized in their protests of bills of exchange, promissory notes, or orders for the payment of money, to make mention of the demand made upon the drawer, acceptor, or person on whom such order or bill of exchange is drawn or given, and of the manner and circumstances of such demand, and by certificate added to such protest, to state the manner in which any notices of protest to drawers, endorsers or other persons interested were served or forwarded; and whenever they shall have so done, a certified copy of such protest and certificate shall be evidence of all matters therein stated.

8. Whenever such drawer, acceptor, endorser or others shall not reside in the town or city where protest shall be made, then and in such case it shall be the duty of such notaries or others acting as such, to put into the nearest post office where such protest is made, a notice of such protest to such drawer, acceptor, endorsers, or others, addressed to them at their domicil or usual place of residence.

9. Whenever the residence of any such drawer, acceptor, endorser or others, shall be unknown to the notaries or others acting as such and whenever after using all due diligence to obtain the necessary information thereon, the said residence shall not have been found by said notaries or others acting as such, then and in such case it shall be the duty of such notary or others acting as such, to put the notices of such protest in the nearest post office where such protest was made, addressed to such drawer, acceptor, endorser or others at the place where, as it shall appear by the face thereof, such bill of exchange or promissory note was drawn; and the same shall be deemed and considered legal notice of such protest.

10. The notaries and parish recorders shall keep a separate book, in which they shall transcribe and record by order of dates, all the protests by them made, with mention of the notices which they shall have given of the same to the drawers or endorsers thereof, together with the names of the said drawers or endorsers, the date of said notices, and the manner in which they were served or forwarded to the said drawers and endorsers: which declaration, duly recorded under the signature of the said notary public or parish judge and two witnesses, shall be considered and received, in all courts of this State, as legal proof of the said notices.

11. The bearers of the bills of exchange and promissory notes,

payable in this State, shall be entitled to an interest on the amount of the said bills or notes from the day they were regularly protested for non-payment, any law to the contrary notwithstanding.

Interest to be paid on the amount of notes and bills protested.

1821
44. 2

12. It shall be lawful for each and every notary public in New-Orleans, to appoint one or more deputies to assist him in the making of protests, and delivery of notices of protests of bills of exchange and promissory notes: Provided that each notary shall be personally responsible for the acts of each deputy employed by him; and provided, that each deputy shall take an oath, faithfully to perform his duties as such, before the District Judge of the parish in which he may be appointed; and provided, the certificate of notice or protest shall state by whom made or served.

Notary may appoint deputies, for whom principal shall be responsible.

1844
26. 1

Oath.

13. The following days shall be considered as days of public rest, in this State, namely; the first January, eighth January, twenty second February, fourth July, twenty fifth December, Sundays and Good Friday; and all promissory notes and bills of exchange shall be due and payable on the second day of grace when the third is a day of public rest, and on the first day of grace when both the second and third are days of public rest; and in computing the delay allowed for giving notice of non-acceptance or non-payment of a bill of exchange or promissory note, the days of public rest shall not be counted, and if the day or two days next succeeding the protest for non-acceptance or non-payment shall be days of public rest, then the day next following shall be computed as the first day after the protest.

Days of public rest and days of grace.

1838
52. 5

14. Whenever promissory notes are endorsed for the benefit of the drawer or drawers thereof, and the same is mentioned on the said notes, if the said drawer or drawers cause the said notes to be discounted in any bank in operation within this State, or obtain any sum of money in consideration of said notes from any person or persons, the said endorsers shall by law be bound towards the bearers of said notes, as if the said notes had been discounted or negotiated for their own account and benefit.

Endorsers of accommodation notes to be liable to the bearers thereof.

1821
44. 3

15. The rate of damages to be allowed and paid upon the usual protest for non acceptance, or for non-payment of bills of exchange drawn or negotiated within this State, shall in the following cases be as follows: on all bills of exchange drawn on and payable in foreign countries, ten dollars upon the hundred upon the principal sum specified in such bills; on all bills of exchange drawn on and payable in any other state in the United States, five dollars upon the hundred upon the principal sum specified in such bill.

Amount of damages.

1838
52. 1

16. Such damages shall be in lieu of interest, charges of protest, and all other charges incurred previous to and at the time of giving notice of non-acceptance or non-payment, but the holder of such bill shall be entitled to demand and recover lawful interest upon the aggregate amount of the principal sum specified in such bill, and of the damages thereon from the time at which notice of protest for non-acceptance or non-payment shall have been given and payment of such principal sum shall have been demanded.

Interest to be allowed.

1838
52. 2

Exchange.
1838
52. 3

17. If the contents of such bill be expressed in the money of account of the United States, the amount of the principal and of the damages herein allowed for the non-acceptance or non-payment shall be ascertained and determined, without any reference to the rate of exchange existing between this State and the place on which such bill shall have been drawn at the time of the demand of payment or notice of non-acceptance or non-payment.

Denomination of
currency
1838
52. 4

18. If the contents of any bill be expressed in the money of account or currency of any foreign country, then the principal as well as the damages payable thereon shall be ascertained and determined by the rate of exchange, but whenever the value of such foreign coin is fixed by the laws of the United States, then the value thus fixed shall prevail.

Damages for
non payment of
certain loans on
mortgages.
1820.
92. 1
1820.
92. 2

19. Whenever money shall be loaned on mortgage without an endorsement for twelve months, or afterwards, and no interest is stipulated, if at the expiration of the time, the money shall not be returned, the creditor or creditors, besides the legal recourse they may have on the mortgage, shall be entitled to damages of ten per cent per annum, to run as interest from the time the money shall be due until final payment, and to be recovered on a judgment for the principal debt. The banks of this State, that shall loan money on simple mortgage, without endorsement, for a term not less than one year, shall be entitled to the same damages as are granted by this act to such persons as loan their money in that way.

How persons who
wish to borrow
money in the
banks of this State,
may elect a domicil
when they have
none in the place
where the banks
are established.
1818
74. 1

20. The planters or other individuals who have no domicil in the city of New Orleans, or in any other place of this State where banks should be established, may elect a domicil in the said city or other place, for the payment of all notes which they might subscribe in favor of any bank of this State.

In what form the
said election of
domicil may be
made.
1818
74. 2

21. The said election of domicil shall be made in the following form, or any other, sufficiently expressive of the intention of electing domicil :

Proviso.

"At . . . months, I promise to pay to Mr. A. . . or to his order, the sum of . . . dollars, at my elected domicil in New Orleans, (or any other place where a bank or branch is established) in the house of Mr. B. . . inhabitant of the said city (or place), for value received." Provided, that said domicil may be elected in the house of the bank in which the payment of the note is to be made, or of any other bank of said place : provided also, that whatever may be the wording of the election of domicil, either in the body of the note or out of it, it shall be valid, provided it bears the signature of the drawer of the note, or is anterior to the same.

Effect of the said
election of domicil
with respect to the
endorser of a note.
1818
74. 3

22. When a note in favor of any bank shall have been thus subscribed, with an election of domicil on the part of the drawer, he or they who shall endorse said note, and who shall have no domicil in the city of New Orleans, or in the place where the bank is established, shall be considered as having elected his or their domicil in the same place as the drawer, unless he or they should have elected another domicil above their signature ; Provided, however, that this provision only applies to the case where

the said endorsers should have no domicil in the city of New Orleans and its incorporated suburbs, or other place where the bank is established.

23. When a note in favor of any of the banks of this State or in favor of any person, shall contain on the part of the drawer an election of domicil in any other place than that of his actual domicil, the protest and notifications for want of payment of such note shall be made at the place of the elected domicil; Provided, that when the election of domicil shall not have taken place on the part of the drawer, but only on the part of the endorser or endorsers, the provisions contained in this section shall take effect only against the endorser or endorsers who shall have made such election of domicil.

When a note is made in favor of one of the banks of this State, with election of domicil, the protests and notices may be given in the place of the elected domicil.

1818
74. 4

BIRTHS AND DEATHS.

1. It shall be the duty of Parish Recorders of this State, except in New Orleans, to record all births of white persons, in a book bound and kept for that purpose by order of dates; and likewise to record all deaths of white persons in another book, kept in the same manner.

Parish Recorders except in New Orleans, to record the births and deaths of white persons.

1811
74. 1

2. It shall be the duty of Parish Recorders to receive declarations of births within eight days from the birth, and they may, however, extend that delay to three months after the birth, when a declaration could not be made sooner, on account of the persons who are to make the same living at a distance, or being prevented so to do by sickness or other lawful impediment. Provided, that no person shall be under any legal obligation to have a birth or death recorded.

To receive declarations, when.

1811
74. 2

3. The birth of a child shall be declared by his father, or in case the father could not make the said declaration, by any other person who may have been present at the birth of the child, and the said birth shall be immediately recorded in the presence of two witnesses.

Proviso.
1846
72. 3

By whom said declarations shall be made.

1811
76. 3

4. The said records shall contain the day, hour, and place of birth, the sex of the child, and the first name or names given to the child, the first name or names, profession and residence of the father and mother, and the names of the witnesses.

What the record of the said declaration shall contain.

1811
76. 4
76. 6

5. Deaths shall be recorded by the Parish Recorders upon the declaration of two witnesses; those two witnesses shall be, if possible, the two nearest relations or neighbors of the deceased; or when a person shall have died out of his or her house, the person at whose house he or she shall have died, with a relative or another.

Under what circumstances deaths shall be recorded.

1811
76. 5

6. The records of deaths shall contain the first names, name, age, trade and residence of the deceased, the first names and name of the surviving consort, if the person deceased was married, or a widower, or a widow, the first names and name, age, profession, and residence of the declarants, and if they be relations, their degree of relationship. The same records shall contain, as far as the same may be ascertained, the christian names, names, profession and residence of the father and mother of the deceased, and the place of his or her birth.

What the record of deaths shall contain.

1811
76. 6

7. For the parish of Orleans, there shall be for the city of

An office of Records of Births and Deaths for the city of New Orleans.

1811. 76. 7

Fee for registering or copying record of birth or death.

1811. 78. 8

1819. 80. 3

1846. 72. 3

Books to record the births and deaths of free people of color.

1811. 78. 9

New Orleans, an office of Records of Births and Deaths, whereof the officer shall be appointed by the Governor.

8. The Register of Births and Deaths in New Orleans and the Recorders of Parishes, shall receive as their compensation for every record of Birth and Death, and for registering or copying the same with seal, fifty cents.

9. There shall be kept for the recording of Births and Deaths of free people of color, books similar to those which shall be kept for white persons, and the formalities above prescribed concerning white persons, shall be observed with respect to free people of color.

BOARD OF HEALTH.

Board of health established.

1850

252. 1

1. The Board of Health for the cities of New Orleans and Lafayette shall consist of sixteen members (including the mayor of the city of New Orleans) to be elected by the respective councils of the city, and the council of the city of Lafayette, twelve from the city of New Orleans, and three from Lafayette, not more than half of whom shall be practising physicians.

Fines which may be imposed.

1850

252. 2

2. Power and authority are hereby given to this board to impose a fine on commissioners of police and contractors for removing the filth from the streets of either city, for neglecting to conform to the requisitions of the board. This fine shall not be less than twenty dollars nor more than one hundred dollars, and for incurring a third penalty it shall be in the power of said board to remove any contractor or commissary, who shall fail to perform the duty required by said board.

Pay of Wardens

1850

252. 3

3. The board are authorized to pay the health wardens during the period their services may be required, and in which they may perform the duties assigned them, in a sum not less than ten dollars, and not exceeding thirty dollars per month according to the laborious nature of their duties, and the manner in which they may perform them.

Duty of Physicians

1850

252. 4

4. It shall be the duty of the practising physicians of said cities and the families of the deceased, to give a certificate containing such facts in relation to all persons dying within the jurisdiction of the parish of Orleans and city of Lafayette as may be required by the said board, under a penalty to each in every case of not less than ten dollars, and not more than fifty dollars, unless such excuse be made as will satisfy the board that such information could not be procured, and it is hereby made the duty of the undertaker to receive and deliver such certificate to the sexton of the cemetery to which he conveys the body.

Duties of Sextons.

1850

252. 5

5. It shall be the duty of the sextons of the several cemeteries to keep their respective grounds in such a cleanly and drained condition as may be required by the board, in default of which they shall be subject to such penalties as the board may prescribe, not exceeding fifty dollars, and for a third penalty the board shall have the power of removal of such sexton.

Burials

1850

252. 6

6. No deceased person shall be buried in the city of New Orleans, or city of Lafayette, out of the limits of an established cemetery, under a penalty of five hundred dollars, without the previous authority of the Board of Health, and no burial shall take

place within the said cemeteries without such certificate, as the board shall deem legal under the penalties imposed under the fourth section of this act, and the sexton and undertaker shall each be subject to such penalties in not complying with the requisition of the board in this particular, and for the further prevention of improper burials it shall be the duty of the sextons to take the name of each undertaker and driver who may bring a body for burial and record the same in the book of record of said cemetery.

7. This board is hereby empowered to require of physicians and others attending the sick at all times, to transmit to the board, a statement of such contagious maladies as may exist under their charge, and during the existence of epidemics, or any alarming sickness, a daily statement of the existence and locality of each and every case of disease, and that each physician or other person so attending, refusing or neglecting said duty or requirement, shall be subject to the imposition of a fine not exceeding five dollars in the first instance and to be increased to one hundred dollars according to the discretion of the board.

Contagious diseases, statement of
1850
253. 7

8. In all cases where fines shall be incurred, and it is sufficient that the board by a majority of the quorum present so declare it, under the several sections aforesaid, it shall be the duty of the attorney of the respective corporations to collect the same before any court having competent jurisdiction, and for remuneration therefor, he shall be entitled to thirty-three per cent, and the balance shall be paid into the treasury of said board.

Penalties imposed.
1850
253. 8

9. It shall be the duty of the board to appoint from among the physicians composing its body, one whose duty it shall be to visit such ships as may arrive at the respective ports of New Orleans and Lafayette having sick on board and it shall be the duty of said physician to take such steps in relation to the same as may be directed by the board. One shall be selected for each municipality and Lafayette, to perform the duty in rotation, monthly.

Duties of Attorneys of the corporations.
253. 9

10. It shall be the duty of the secretary of the Board of Health to publish a weekly statement, in the paper of the greatest circulation published in New Orleans and Lafayette, under the instructions of the board, stating the particular disease of which each person died.

Statement of deaths to be published.
1850
253. 10

11. It shall be the duty of the board to declare vacant the seat of any member who shall fail to attend their regular meetings of the board, unless absent from the city, on leave from the board, or such explanation shall be made as shall be satisfactory to the board, and if not satisfactory, it shall be authorized to fill such vacancy from the same district whence the member came.

Seat of members, when declared vacant.
1850
254. 11

12. The expenses incurred under this act shall be paid by the councils of the three municipalities of the city of New Orleans and the council of the city of Lafayette, in proportion to their respective revenues.

Expenses how paid.
1850
254. 12

BRANDS OF ANIMALS.

1. The Recorder of the parish shall be the keeper of marks and brands of animals.

The Recorder keeper of marks and brands.
1846
72. 3

2. It shall be the duty of the Recorder of the parish of La-

Recorder of the parish of Lafayette to keep his office at Vermillionville.

1827

142. 1

His certificates authentic evidence

1827

144. 6

Fees.

1827

144. 7

Duty of in certain cases.

1827

144. 8

Records of brands in certain parishes, where kept.

1830

58.

1842

410. 1, 2

Duties of Recorders.

Fees.

1830

58.

1842

410. 3, 4

Parish of Ascension, rules and regulations concerning swine.

1848

14. 1

Recorder of swine marks.

1848

14. 2

Penalties for violating the aforesaid ordinances.

1848

14. 3

fayette to keep his office at Vermillionville, to record the brands of animals in the parishes of St. Landry, St. Mary, Lafourche, and St. Martin. All certificates delivered by said Recorder shall be considered in all courts of justice as authentic evidence, and no parol evidence shall be admitted to the contrary, unless forgery or fraud be alleged. And he shall be entitled to fifty cents for each and every brand recorded by him, to be paid by the person who shall apply to have such record made, and fifty cents for each and every certificate which he shall deliver. It shall be the duty of the said Recorder, in case there should be similar brands belonging to different persons, to give notice to those persons immediately, of the date of the registering of each of those brands, and the person whose brand shall have been most anciently registered, shall have the right of preserving the same without alteration.

3. The records of brands belonging to the parishes of St. Landry, St. Mary, and St. Martin, shall be kept in the offices of the Recorders of said parishes respectively, who shall be required to transmit, every three months, to the central brand office, established at Vermillionville in the parish of Lafayette, a list of the brands recorded by them, with the names and dates of said recording, which brands shall be inscribed in the usual manner. The Recorders of said parishes shall be entitled to demand and receive one dollar for each and every brand recorded by them, one half for their own benefit, and the other half for the Recorder of the central brand office, and fifty cents for each and every certificate of brands which they shall deliver.

4. Upon the application of the majority of the legal voters within any election precinct of the parish of Ascension, the Police Jury of said parish shall have power to make such ordinances, rules and regulations, relative to hogs or swine, as they may deem salutary and necessary for the protection of the property in the same.

5. Said Police Jury shall have power to appoint a Recorder of swine marks, and to prescribe his duties, the place where his office shall be held, and the amount of fees to which he shall be entitled, in pursuance of the preceding section.

6. Any person violating said ordinances, or not complying with the same, shall be subject to such fine as said ordinances may impose, to be recovered as the same may direct, before any court of competent jurisdiction; and the offender shall moreover be subject to the same pains and penalties as would be imposed in cases of offences against property of any other description, of like value, any act or law to the contrary notwithstanding.

CITIES.

CITY OF LAFAYETTE.

Extension and definition of the limits of the city of Lafayette.

1848.

129.

1. The limits of the city of Lafayette, in the Parish of Jefferson, shall be as follows: commencing on the Mississippi river, at the dividing line between the parishes of Orleans and Jefferson, and running up along the said river to the dividing line between the suburbs Delassize and Plaisance, thence along the said

line, extended back to the point of intersection of same with the parish line dividing the parishes of Orleans and Jefferson, and returning thence along the said parish line to the Mississippi river, at the place of beginning. All the free white inhabitants thereof shall form a body corporate, by the name of the Mayor, Aldermen and Inhabitants of the city of Lafayette; and by that name they and their successors shall be known in law, and be capable to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in any court whatever; also, to hold, purchase, receive, possess, enjoy and retain to them and to their successors, all and every kind and quality of property whatsoever, provided the same be for municipal purposes, and the same to alien, transfer, lease, farm and dispose of; and may have a common seal, and may alter and change the same at pleasure.

1850.
243.

1846.
25. 1

2. There shall be the following officers elected for the said city, that is to say: one Mayor, ten Aldermen, one Treasurer, one Comptroller or Secretary, one Surveyor, one Public Printer, one Attorney, one Collector of Taxes, one Harbor Master, one Captain of the Night Watch, one Commissary of streets, and one Commissary of Day Police; and the City Council of said city shall appoint as many other subordinate officers, not herein mentioned, for preserving the peace and well ordering the affairs of said city, as said council may deem necessary.

Officers to be
chosen
1846.
25. 2

3. On the first Monday of May annually the qualified voters of each ward in said city shall elect, by ballot, two of their own citizens, as Aldermen, to serve for one year, and shall also, at the same time and place, and in the same manner, elect such other officers of said corporation, whose election is provided for and whose term of service expires annually; the salaries of which several officers shall be established by the said city council on votes by yeas and nays, recorded upon the journal of said council, and until so established, shall remain as now fixed by law.

Day of election.
1846.
25. 3

4. The Aldermen chosen shall form a council, to be called the city council of Lafayette, of which the Mayor for the time being shall, ex-officio, be President, but shall have no vote except in the election of such subordinate officers of said city as said council may from time to time establish; and provided that in all elections of subordinate officers by the mayor and city council, the vote shall be *viva voce*, and spread upon the journal.

Salaries.

Council.
1846.
25. 4

5. Said city shall be, and the same is hereby divided into five separate and distinct wards, and the said wards shall be comprised within the following limits:

Wards.
1846.
25. 5

Ward number one: between the river Mississippi, the line dividing the city of New Orleans from the city of Lafayette, the centre of Jersey street and the centre of Jackson street.

Ward number two: between the river Mississippi, the centre of Jackson street, the centre of Jersey street, and the centre of seventh street.

Ward number three: between the centre of Jackson street, the centre of Jersey street, the centre of seventh street, and as far back as the city has been laid off.

Ward number four: between the centre of Jackson street, the

centre of Jersey street, the dividing line between the city of New Orleans from Lafayette, and as far back as the city has been laid off.

Ward number five : between the centre of seventh street, the river Mississippi, the upper line of faubourg Delassize, and as far back as the city has been laid off.

Precincts established.

1846.

26. 6

6. There shall be and hereby is established, in each of the several wards aforesaid, one election precinct, to be fixed at such place in each ward as the said city council may designate.

Qualifications of voters.

1846.

26. 7

7. In all municipal elections in said city, every free white male who has been two years a citizen of the United States, who shall have resided in the State two consecutive years next preceding the election, and the last year thereof in said city, and the last six months thereof in the ward in which he offers to vote, and who shall be over twenty-one years of age, shall be entitled to vote. Provided, that no one shall be deprived of the right of voting in the ward in which he had a residence, until he shall have acquired it in another ; and provided further, that no person who had the right of voting in said city before the twenty-ninth of April, eighteen hundred and forty-six, shall be deprived of such right, but shall vote in the ward in which he resides as now established.

Qualifications of Mayor and Aldermen.

1846.

26. 8

8. The mayor and aldermen of said city shall possess the same qualifications as are required for members of the House of Representatives of this State, and no person shall be elected or appointed to any office or trust in the said corporation, unless he be a qualified voter of said city.

Term of office of Mayor.

1846.

26. 9

9. The mayor of said city shall be elected by the qualified voters thereof, every two years, and at the same time and place that the other officers are elected : Provided, that the term of service of any officer of the said corporation, elected before the twenty-ninth of April, eighteen hundred and forty six, shall not be abridged, nor shall the rights or obligations of the said city, existing at that time, be in any manner impaired.

Commissioners of elections.

1846.

26. 10

10. It shall be the duty of the said city council, at least ten days before each annual election for city officers, to appoint in each ward of said city, three suitable persons, qualified voters therein, as commissioners, who shall be sworn faithfully, impartially and in conformity with the law, to hold said election, and the said council shall prescribe the time and place of holding all special elections for filling any vacancies caused by death, resignation or otherwise, of their own members, or of any officers elected by the people, and ten days' notice of all elections must be previously published. In case that any of said commissioners should fail to attend at their respective polls at the time fixed by law for the opening of the same, the mayor of said city shall immediately fill said vacancies. It shall be the duty of the aforesaid commissioners of election to preside at the same, and certify, in writing, the result thereof, showing the number of votes polled for each person voted for, and within twenty-four hours after closing the polls to file such certificate with the secretary of the council, who shall immediately notify the person or persons elected.

11. The said city council shall decide upon the election and qualifications of their own members, and of all the officers elected by them; and in case of the incapacity, refusal to serve, gross negligence, or malfeasance in office of any officer or officers elected as aforesaid, on charges preferred and satisfactorily established, said city council shall have the right, by a vote of two-thirds of their own body, to declare such office or offices vacant, and shall immediately order an election to fill such vacancy, provided, the same shall not have occurred within four months of the annual election, in which event the said city council may fill the vacancy for the unexpired term; and provided further, that no officer dismissed by said council shall be re-eligible until the expiration of the term for which he was first elected, and that no officer shall be twice dismissed for the same offence, and that all votes for the dismissal of officers shall be by yeas and nays, and spread upon the journal of said council: Provided, that no person who has been a collector of taxes for the State, or city of Lafayette, or who has had in any way the receiving, keeping, or disbursing the revenue of the State, or said city, shall be eligible to the office of mayor or alderman, or hold any office of honor, trust, or profit, until he shall have obtained for the same a discharge from the Treasurer of the State or said city, which discharge, as relates to the city officers of said city, shall be by order of said city council.

Council to decide upon the qualifications of its own members.
1846.
27. 11

12. The mayor of said city shall superintend the police thereof, and make such regulations as to him may appear proper for the watchmen and guard of said city, not inconsistent with the ordinances of said city council; he shall take care that the laws of the corporation be faithfully executed, and shall call special meetings of the council whenever the affairs of said city shall require it, or whenever three members of said council shall require such call.

Duties of Mayor.
1846.
27. 12

13. As often as any vacancy shall happen in the above mentioned offices, it shall be the duty of the said council to order an election to fill the unexpired term of the officer: provided, that such unexpired term do not exceed four months, in which case such vacancy shall be filled as provided by the eleventh section.

Vacancies, how filled.
1846.
27. 13

14. No member of the said city council shall be elected or appointed to any office or employment under said corporation, which shall have been created, or the emoluments of which shall have been increased by the said council during the time for which he shall have been elected.

Restriction on members of city council.
1846.
27. 14

15. The mayor, aldermen, and other officers elected, as aforesaid, and all officers appointed as aforesaid, shall, before entering upon their duties, respectively take and subscribe an oath, faithfully to perform and discharge their several trusts to the best of their ability, together with the oath prescribed by the constitution which oath shall be taken by the mayor before the clerk of the district court, and the other officers before the said mayor: provided, that the said city council shall have power to fix and determine the duties of all officers of said city, and to require from them such security as the said council may deem proper to ensure the faithful performance of their respective duties.

Oaths.
1846.
27. 15

Powers of council
1846.
28. 16

To elect a Se-
cretary of council.
1850.
257.

Taxes.
1846.
28. 17

Streets, levees,
&c., under the con-
trol of council.
1846.
28. 18

Taxes which the
city council of La-
fayette, is allowed
to levy.
1848.
51.

Conditions of the
grant of the pow-
ers aforesaid.

Assessors.
1846.
28. 20

Duties of Asses-
sors.
1846.
28. 20

16. The said city council be, and they are hereby empowered to ordain and establish all such ordinances, rules and regulations, as they may deem proper or expedient for the government of said city, not being contrary to the constitution and laws of the United States, or of this State, and in case of the absence or the inability of the mayor to act, the said council shall, from their own body, elect a president pro. tem., to act in his place, and the president and a majority of the members elected to said council shall form a quorum to do business. The said council shall be authorized to elect a secretary whose duties shall be defined by the council.

17. The said city council shall have power to lay and collect taxes in such manner and for such amounts, (observing equality in the assessments,) as may be deemed expedient by them, on all ships, vessels, steamboats, flatboats, and all crafts of every description, landing within the limits of the said city; also upon all public and private drays, carts, wagons, omnibusses, timber wheels and other vehicles within the limits thereof.

18. All streets, levees, and wharves shall continue under the entire control and management of the said city council: Provided, that in all things relating to the batture, the bank of the river and the levee, they shall pass no ordinance which shall interfere with the rights of the public to said batture, bank of the river, or levee, but shall always have the right to regulate the taking of earth from said batture.

19. The said council are hereby authorized and empowered to lay and collect an annual tax, not exceeding in any one year, one per cent. upon the valuation of the landed property and buildings situated within the limits of said city; and on slaves, an annual tax not to exceed in any one year, one per cent. on the value thereof, observing in the assessment and collection thereof, equality in proportion to the value; and the council are hereby authorized the lay and collect upon all kinds of property and upon trades, occupations and professions, such other taxes not herein specified, which, in their opinion, may be required for the wants of said city, and the imposition and collection of which may not be inconsistent with the constitution and laws of the United States, or of this State; provided, that all votes establishing rates of taxation, by said council, shall be by yeas and nays, spread upon the journal of said council.

20. The said city council shall appoint annually, three or more Assessors to assess and value the property on which taxes shall be imposed in said city, which assessors shall take an oath, faithfully and impartially, and to the best of their judgment to discharge their duties as assessors, and shall make out an accurate and distinct assessment roll of the landed property, buildings, slaves, and other property in said city, subject to taxation, and shall exercise the same powers as by law are vested in the assessors of State taxes, and shall be paid for their services out of the funds in the treasury of said city. Said assessors shall commence said assessment on the second Monday of January of each year, and terminate the same on the first Monday of April following, and shall, so soon as terminated, deposit the assessment roll in the office of the treasurer of said city, and shall cause to

be inserted in one or more newspapers published in the city of New Orleans, and one or more newspapers published in the city of Lafayette, a notice during twenty days in the French and English languages, three times in New Orleans, and in Lafayette as often as such newspapers may appear, during that time, that said assessment roll has been by them deposited in the said Treasurer's office, subject to the examination and inspection of all persons interested therein, and during the twenty days, any one who may consider himself injured thereby, shall have the right to file with said Treasurer his written opposition to said assessment, in which shall be stated the ground of opposition to the same, and a prayer for such amendment as he may see proper. That at the expiration of said twenty days, said assessors shall meet and examine said opposition and the evidence which may be offered in support of the same, and if in their opinion any alteration ought to be made, make such amendments to such assessment roll as the facts may in their judgment authorize; after which, or in case no opposition has been made to said assessment roll, said assessors, or a majority of them, shall make a written declaration at the foot of said roll, that the same is finally closed; and thereafter in any suit for the collection of said taxes, said assessment roll shall be taken and received as conclusive proof.

1846.
28. 21

21. In default of the payment of the taxes thus assessed, within the period prescribed by the said city council, suits may be instituted before any competent court, against all persons in default for said taxes, together with eight per cent. per annum interest on the amount thereof, from the day on which the same fell due, or ought to have been paid; and said corporation shall have a special lien and privilege on all property assessed, to secure the payment of the taxes, due on the same, with interest as aforesaid, which privilege shall entitle the corporation to be paid in preference to any mortgage or claim whatever on said property, and shall exist on the same without being recorded in the mortgage office, for and during the period of three years, from the final closing of the assessment roll; Provided, that whenever the said taxes shall be due by persons who do not reside in the parish of Jefferson, or when the owners or agents of property liable to said tax are unknown, the said corporation may proceed *in rem* against said property, before any competent court, for the purpose of enforcing its privilege thereon, and of causing said property to be sold for the payment of the taxes due by the same, which proceeding *in rem* shall in all cases be conducted in the mode provided by the 290th, 291st, 292nd, 293rd, 294th, and 295th articles of the Code of Practice for this State.

Default in pay-
ment of taxes.
1846.
29. 22

22. Whenever the owner of any property, in front of which paving of any description whatever, side walks, banquets, or other walks, shall be done, within the limits of said city, by order of said council, or whenever the owner of any property, which has been raised or filled up with earth, or enclosed or fenced in by order of said council, shall fail to pay the proportion or amount for which said property may be liable for such work, the said corporation shall have a special lien and privilege on said property to secure the payment of the amount so due, with eight per

Paving side-
walks, banquets,
&c.
1846.
29. 23

cent. per annum interest from the day the same ought to have been paid, which privilege shall entitle the said corporation to be paid in preference over any other mortgage or other claim upon said property: Provided, that such privileges shall not extend beyond the period of four months from the completion of the work, unless the amount of the same, certified by the Treasurer and Comptroller of the said city, shall have been duly recorded in the office of the Recorder of Mortgages of the parish of Jefferson; and provided further, that in case such owner shall be unknown, said corporation shall have the right to proceed *in rem* against the said property in the same manner as is provided in the foregoing section for the recovery of taxes due by unknown owners.

Duties of Notaries.

1816.

30. 24

23. Hereafter it shall be, and it is hereby made the duty of any Notary Public in said parish, or in the parish of Orleans, before whom an act of sale shall be passed, of property situated within the limits of the said city of Lafayette, to cause said act within three days after its passage, to be recorded in the office of the Register of Conveyances for the said parish of Jefferson, or in case no such office shall be in existence, then in the office in said parish wherein transfers of property shall be required by law to be registered or recorded; and it is hereby further made the duty of all such notaries, before passing such act, to cause to be produced by the vendor, and to annex to such act a certificate from the Treasurer of the city of Lafayette, that there are no taxes or other demands whatever due on said property to the said corporation; and any notary who shall not comply with the provisions of this section, shall be personally bound to said corporation for the amount of whatever demands it may have on such property, and shall be liable for whatever damages any party may suffer by reason of the delay or neglect of such notary to record said act as herein required.

Councils to make loans.

1846.

30. 25

24. In order to enable the said council to make the necessary ameliorations and improvements within said city, said city council is hereby authorized and empowered to make loans from time to time for the use of said city, for such amounts and for such periods as they may determine; provided, that the rate of interest thereon shall never exceed eight per cent. per annum; and provided further, that all votes on the subject of loans for the use of said city, shall be by yeas and nays recorded in the journal of said council. Provided further, that said city council shall in all cases of loans make a specific appropriation of certain portions of the revenue of said city as a sinking fund, out of which said loan shall be paid.

Salary of the Mayor of the city of Lafayette fixed, and how paid.

1847.

133.

25. The council of the city of Lafayette shall fix the salary of the mayor of said city at least five days before the day of election of said mayor; which salary shall be paid monthly, on the warrant of said mayor, out of the city Treasury, and which shall not be increased or diminished during the term for which the mayor may be elected; and if the said council should neglect or refuse to fix the said salary, the mayor elect shall receive the same salary allowed to his predecessor.

26. Every ordinance and resolution, after having passed said

council, shall be transmitted to the mayor for his consideration, who, if he shall approve thereof, shall sign and return the same to the secretary of said council; and such ordinance or resolution shall have the force of a law so soon as promulgated; but if he shall disapprove the same, he shall within five days return the same to the secretary of said council, with his objections in writing; and if a majority of all the members elected to said council shall agree to the same notwithstanding such objections, then, but not otherwise, the same shall have the force of law; provided, that in case said mayor shall not return to said secretary any ordinances or resolution transmitted to him by the council, within five days after it shall have been received by him, then he shall be deemed to have approved it, and the same shall become a law.

Mayor to approve
or disapprove laws
1846.
30. 27

27. The said city council shall have the right to cause to be removed or abated, any and all nuisances, and shall have the power to ordain and establish any and all police regulations for preserving the health of the citizens and protecting their property, and for well ordering the affairs of such corporation, or preventing the stoppage or obstruction of the streets, levees, and public roads and places of said city, and may enact and impose such fines and penalties for breaches or infractions of any law or ordinance, as they may deem proper, and shall have power to repair, alter or enlarge the levee in front of said city, or if necessary for the safety of the inhabitants, to make a new levee in front of any part of said city, in accordance with the law of the State on that subject.

Power to abate
nuisances.
1846.
31. 28

28. It shall be the duty of the said council, on the first day of May, eighteen hundred and forty-seven, and annually thereafter, to pay out of the revenues derived from wharfage, six thousand dollars, on account of the debt of said city, existing at the time of the admission of faubourg Delassize into the corporation, which said payment shall continue to be made until the whole amount of said debt, in principal and interest, shall have been fully discharged and acquitted: Provided, that nothing therein contained shall be so construed as to prevent said council from making any larger or earlier payments, and from any other source of revenue.

To provide for
the payment of the
city debt.
1846.
31. 29

29. The Captain of the Night Watch of the City of Lafayette, and such officers and deputies under him as the city council of said city may designate, shall be, and they are hereby vested with full power and authority to act as constables in all criminal matters arising in said city, and to execute any and all criminal warrants, writs and processes to them or to either of them directed by either of the justices in said city. The city of Lafayette shall in no manner be responsible for the payment of any constable's fees or charges in criminal matters.

Captain of the
night watch of the
city of Lafayette
or his officers or
deputies, authori-
zed as constables
in certain cases.
1847.
197. 1
City of Lafay-
ette not responsible
for constable's fees
1847.
198. 2

30. The services of the coroner, the doctor's fees, and generally all the expenses incurred by coroner's inquests, shall be at the charge of the city of Lafayette when the inquest shall have been made within the limits of the said city of Lafayette, and at the charge of the police jury of the parish of Jefferson when

Coroner's fees,
by whom paid.
1838.
78.

City of Lafay-
ette no longer en-
titled to a repre-
sentation in the
police jury of the
parish of Jefferson.

1836.

131. 1

Duty of said po-
lice jury:

1836

131. 2

Dray and other
licenses. Regula-
tions in relation
thereto.

1844.

44.

Persons infring-
ing police ordinan-
ces. &c., subject to
be sued.

1834

33. 2.

said inquest shall have been made out of the limits of said city in the parish of Jefferson.

31. On the twelfth day of March, eighteen hundred and thirty six, it was enacted, that from and after the promulgation of the act, the city of Lafayette shall no longer be entitled to a representation in the police jury of the parish of Jefferson; and the authority of the police jury of the parish of Jefferson, within the limits of the city of Lafayette, shall cease and determine; and that the President and Board of Council of said city shall be subrogated to, and shall exercise within said city, in addition to their present authority, all the powers heretofore vested in said police jury. It shall be the duty of the said police jury, annually to ascertain the amount or proportion payable by the city of Lafayette for the building, repairing and supporting of a public jail, and for the rent of the court house of said parish, according to existing laws; and the said amount shall be ascertained by the votes of two thirds of the members of the police jury. And in taking said votes, the ayes and nays shall be given, and shall be registered on the journal of said jury. The resolution thus passed shall specify the amount due as aforesaid, and the items composing the same, and after being duly certified, the said resolution shall be transmitted to the President and Board of council of the city of Lafayette who shall thereupon make an appropriation to pay the same into the parish treasury out of any funds of said city.

32. All persons who may obtain licenses from the city of Lafayette, to run carts, drays, carriages, and other vehicles, shall have the right under said licenses to run said vehicles within the limits of the Municipalities of New Orleans, respectively, without paying tax therefor to said Municipalities, and that all persons having obtained licenses from any of said Municipalities to run the aforesaid vehicles, shall have a similar right to run the same within the limits of the city of Lafayette: Provided, that the said Municipalities and the said city of Lafayette respectively, shall not issue any license for the aforesaid purpose to any person other than a bona fide actual inhabitant of the Municipality or city issuing said license: and provided also, that the several persons running said vehicles shall in all other respects be amenable to the performance of the obligation, and be liable to the fines and penalties imposed by the ordinances of the said Municipalities and city of Lafayette respectively, for violation of said ordinances: Provided, that no license shall be granted to drays, carriages, and other vehicles, in the city of Lafayette, at a less price than would be paid for the same license in the city of New Orleans; and that the said vehicles, when employed in the city of New Orleans, shall be governed by the rules and regulations that are in force in New Orleans, except the payment of a license to any of the Municipalities of New Orleans.

33. Any person or persons residing in the city of Lafayette, who, within the limits of the city of New Orleans shall infringe the police ordinances of said city of New Orleans, or carry or cause to be carried on any kind of traffic or other branch of industry taxed by the ordinances of said city, or shall drive or

cause to be driven any dray or cart for money, shall be subject to be sued in the city of New Orleans; and any judgment so obtained against said person or persons, shall be executed in either of said cities, without distinction.

OPENING AND IMPROVING STREETS.

34. Whenever the Mayor and Council of the city of Lafayette shall be desirous, either upon the petition of any number of the inhabitants thereof, or otherwise, to open, straighten, widen, extend, or improve any street or public place, or inclose any square or public place, it shall be lawful for said Mayor and Council to cause the same to be done, whether the property required for the same should belong to individuals or corporations, according to the following provisions.

Mayor and Council to cause opening, &c., of streets, &c.
1846.
138. 1

35. No ordinance or resolution shall pass the city Council of said city of Lafayette for the purpose of opening, straightening, widening, extending or improving any street or other public place; or for the purpose of inclosing any square or public place until said city Council shall have caused public notice of the nature of the proposed improvement, with a particular description of the same, to be published in the English and French languages in at least one newspaper printed in said city of Lafayette, and in the city of New Orleans during at least thirty days before the time at which the said city Council shall proceed to act on the same.

Public notice given before any improvement is made.
1846
138, 2

36. That for the purpose aforesaid, the said city Council shall cause application to be made to the District Court of the district in which the city of Lafayette may be situated, which court shall, on such application, appoint three disinterested persons, competent to serve as jurors in said court, commissioners of estimate and assessment; who shall, before they enter on their duties, severally take and subscribe before the clerk of said District Court, an oath, "faithfully, impartially and according to the best of their skill and judgment, to perform the trust and duties required of them."

Application made to district court.
1846.
138. 3;

Commissioners.

37. It shall be the duty of the said Commissioners, after having reviewed the lots, lands and other property required, and examined the place where the said improvements may be proposed to be made for either of the purposes above set forth, and the lots, lands and premises adjacent thereto, or in the vicinity of the said proposed improvements, and after causing to be made such surveys and plans as they may judge necessary for their use, to make a just and equitable estimate and assessment of the lands and improvements to be taken, the loss and damages sustained, and of the benefits and advantages to the respective owners, lessees, parties and persons respectively interested in the lands and premises so required, or to be improved for the purpose aforesaid, and also of the benefits and advantage such improvements may be to all the lots fronting that part of the street so opened, widened, straightened, extended, inclosed or improved as aforesaid; and also to make an estimate and assessment of the benefit and advantage such improvements may be to all the lots and premises adjacent, or in the vicinity of such improvements, or which said

Duty of Commissioners.
1846.
138. 4

commissioners may deem benefitted thereby, according to the respective estates and interests of the parties in said property, and the difference between the damage and benefit shall be the compensation to which said persons, whose property is so taken, shall be entitled, and the amount so estimated and assessed as the benefit and advantage to the lots and premises fronting, adjacent to and in vicinity of said streets, public places and improvements, shall, with their share of cost and expenses, be the amount to be paid by the owners and persons interested in said lots and premises; and in their assessment the commissioners shall set forth the names of the respective owners, lessees, parties and persons entitled to and interested in said lots and premises, and also the occupants thereof, as far as the same can be ascertained, and also an apt and sufficient designation and description of the respective lots and parcels of land and premises as aforesaid, and also of the respective lots and premises deemed to be benefitted by said improvements and assessed to pay for the same, and the sums assessed for damage or compensation, and for the benefit and advantage respectively, and in every case where the owners and parties interested or their respective estates and interests are unknown or not fully known to the commissioners, it shall be sufficient for them to estimate and assess, in general terms, the respective sums to be allowed to or paid by the owners or proprietors generally of said lots and premises.

Copy of Estimates &c., deposited with the clerk of Court.
1846.
139.5

The Court shall confirm the report or refer it back.

Filing of objections.

Final report.

38. Said commissioners shall deposit with the clerk of said court a copy of said estimate and assessment, together with said plans, signed by them, for the inspection of any one interested, and shall give thirty days' notice by advertisements published at least once a week during that time, in one newspaper, printed in the city of Lafayette, and in the city of New Orleans, in the English and French, of the day in which the reports of said estimates and assessments will be presented to said court, for confirmation, and any person or persons whose rights or interests may be affected thereby, may file his or their objections or opposition thereto in writing before the day mentioned for said confirmation, and the said court shall, in a summary manner, after hearing any matter which may have been specially alleged in objection or opposition thereto, either confirm the report, or refer the same back to the same commissioners for revisal and correction, or to new commissioners to be appointed by the said court, to reconsider the subject matter thereof; and the commissioners to whom the said report shall be so referred, shall return the said report either approved or corrected and revised by them, or a new report made by them in the premises, to the said court, within a delay to be fixed by the court, but which delay may, on application to the court, be extended. After the said report is so returned, any one or more persons whose rights are thereby affected may, in like manner, file their objections or opposition to the same, within ten days after such return, and the said report, when so returned, shall be confirmed, or again referred by said court in the manner aforesaid, as right and justice shall require; and so from time to time, until a report shall be made and returned in the manner which the said court shall confirm; and such report,

when so confirmed, shall be final and conclusive as well upon the said city of Lafayette, as upon all persons and parties interested in the lots, lands and premises mentioned in said report, and on all other persons whomsoever.

39. In all cases where any portion of a lot of ground, not exceeding two acres, shall be required for the purposes aforesaid, the said commissioners shall fix the value thereof at the time of the assessment, and without any reference to the future improvement, with all the buildings and improvements then existing thereon; and secondly, said commissioners shall assess the damage or benefit such lot of ground may sustain or derive from the aforesaid improvement; and the owner or owners thereof shall be entitled to receive from the said city of Lafayette, the assessed value thereof, if said owner or owners shall file his or their written assent thereto with the clerk of said court within ten days after the first publication of the notice that the report of assessment is deposited with said clerk; in which case, the whole of said lot of ground and improvements shall become the property of said corporation, and who shall be considered in the place of the owner or owners of said property, and entitled to receive the damage the said lot of ground may sustain, or bound to pay the enhanced value it may derive by the aforesaid improvement. But if such owner or owners should make no election within the time above specified, he or they will then be deemed as having agreed to retain such part of his or their said property as may not be required for said improvement, and subject himself or themselves to the provisions of law, when the report of said commissioners shall be confirmed.

Value of lots,
1846
140. 6

Damages, &c.

40. The said mayor and council shall, within sixty days after the confirmation of said commissioners' report, pay to the respective persons in whose favor any sum or sums shall be estimated, assessed and reported, the respective sum or sums thus reported in their favor, or the amount assessed as the value of the property and improvements of which the said city may become owner, under the provisions of the preceding section, and in case of neglect to pay such sum or sums, such person may, after application to said corporation for the payment thereof, sue for and recover the same with six per cent. per annum interest thereon, and whenever the owners and proprietors of any such lands and premises so taken as aforesaid, in whose favor such sum or sums shall be reported for compensation, may be minors, non compos mentis, or not residing within the city of Lafayette or the city of New Orleans; and also in all cases where the name or names of the owner or owners, or persons interested in said lands, who are entitled to compensation as aforesaid, shall not be set forth or mentioned in said report, or where the said owners, or persons interested respectively, being named therein, cannot, upon enquiry, be found, the said sum or sums of money shall remain deposited in the hands of the said corporation, bearing interest at six per centum per annum until the same be claimed by the persons having the right thereto, either amicably or under decree of a court of competent jurisdiction, at the costs of the party claiming the same, although the claimant may be a married woman.

Mayor and council to pay sums estimated, &c.
1846.
140. 7

In cases where minors, &c., in whose favor sums are reported.

Expenses incurred by commissioners.

1846
140. 8.

Mortgage on lots, &c.
Proviso.

In case owners of lots neglect to pay expenses in making estimate.

1846
141. 9

Absentees.

Improvements for the beauty and salubrity of the city.

1846.
141. 10.

41. All the expenses necessarily incurred by said commissioners in making the assessments as aforesaid, and which shall be advanced by the said city of Lafayette, shall be reimbursed with six per cent. per annum interest thereon, within thirty days after the day of the confirmation of the report, by the parties, owners, or persons interested in the land so assessed, in proportion to their respective interests therein; and all sums assessed or expended by said city of Lafayette, on account of the assessments aforesaid, shall be privileged and mortgaged claims in favor of said city on the lands or lots so assessed, into whose hands soever said lands, lots, &c., may pass, and said privileges and mortgages shall have preference over all other privileges or mortgages whatever, though the latter may have been granted or acquired previously; Provided said report be duly recorded within ten days after the final homologation of the same in the mortgage office of the parish of Jefferson; and the Recorder of mortgages of said parish shall be entitled to receive fifty cents for each individual name set forth in said report, and a like sum to be paid by each of said individuals to said Recorder for cancelling said mortgages.

42. Whenever any owner or owners aforesaid of said lots, lands, &c., shall neglect or refuse after sixty days shall have elapsed from the homologation of said commissioners' report, to pay or cause to be paid the amount of the expenses incurred by said city of Lafayette in making said estimate and assessment, or if said owner or owners shall neglect or refuse to pay after the expiration of said delay as aforesaid, the amount assessed by said commissioners upon their property, as the benefit it may be deemed to derive by the said improvement, it shall be lawful for said mayor and city council to apply to said court and obtain an order or orders of seizure and sale against said property, and cause the same to be seized and sold; which order or orders of seizure and sale shall issue and be executed according to law. In case any of said owners of said property so assessed as aforesaid may be absentees, the said mayor and council shall be, and they are hereby authorized to sue out an attachment or attachments against said absentee, and proceed therein as is now provided for by law for the issuing and exercising of similar powers, and after judgment, cause said property to be sold according to law; and the said mayor and council shall receive the proceeds thereof, and dispose of the same, in the same manner as provided above relative to any sum or sums which may be reported in favor of any owner or owners of property required for the improvement aforesaid; nothing in this section contained, however, shall be so construed as to deprive said mayor and council, or any individual from pursuing any other remedy for the recovery of said expenses and sums so assessed for benefit which the law may afford in the premises.

43. If said commissioners shall deem said improvement not only of local benefit, but also tending to the salubrity, beauty or improvement of the whole city, it shall be their duty to apportion such part of their assessment as they may deem just and equitable, to be paid by the said mayor and council, and when any of

the property of the said corporation shall be required for the purposes aforesaid, or shall be benefitted by any such improvements, as above mentioned, said commissioners shall proceed in all respects as directed herein for other properties. Whenever the mayor and council of said city shall become purchasers of any land, lot, or other property as before provided for, on which there may exist a mortgage or privilege, or whenever any land, lot, or other property may be sold under the foregoing provisions to any individual or corporation, and on which there may exist a mortgage or privilege, the said mortgages and privileges may be cancelled and erased at the instance of said purchasers or said mayor or council in the following manner, viz: the mortgagees and those in whose favor said privileges may exist, shall be cited before said court, by a rule in the same suit in which the report of the commissioners touching said property, shall have been homologated, to show cause within a delay to be fixed by the court, why said mortgages and privileges existing on said property, (which property shall be described in said rule by the measurement, number of square, lot and lateral streets surrounding the same,) should not be erased and cancelled, and if the court shall be satisfied that the rule has been properly served, and upon due proof, that the proceeds of the sale of said property has been finally and legally appropriated (after the payment of said assessment and expenses due thereon,) to the extinguishment of said mortgages and privileges, so far as the same may go; or held by the said mayor and council subject to the demand of the mortgage or privilege creditors; said court shall order the extinguishment and cancellation of said mortgages and privileges; and upon a copy of said order being presented to the Recorder of mortgages of said parish of Jefferson, he shall forthwith erase and cancel any and every mortgage and privilege described in said order, and which may exist on the books of said Recorder.

44. One or more of said commissioners failing to act, the court shall, on further application of said mayor and council, appoint another commissioner or commissioners in his or their stead, and any two of said commissioners shall have full power to proceed in the execution of the duties of their appointment, until another commissioner be appointed and qualified, and in every case it shall be competent for any two of said commissioners to proceed and execute the trusts and duties of their appointment; and the acts, decisions and proceedings of a majority of said commissioners shall be as valid and binding as if all had concurred and joined therein; and each of said commissioners shall be entitled to receive the sum of four dollars for each day they may be respectively and necessarily employed in the duties of their appointment, over and above clerk hire and other actual expenses; but in no case shall the compensation granted to the commissioners exceed two hundred and fifty dollars; the same to be paid by the said mayor and council on a detailed account of said expenses, certified by at least two of said commissioners, which shall be included as a part of the expenses in the above mentioned assessment.

Cancelling of
mortgage on lands
purchased by the
mayor and city
council.

1846.

141. 11.

Commissioners
appointed by the
court.

1846.

142. 12.

Compensation.

HOUSE OF REFUGE.

Juvenile delinquents and vagrants in the city of Lafayette.

1850. 222. 1

House of Refuge.

1850. 222. 1

Organization and government of said house of refuge.

1850.

222. 2

What persons are to be detained in said house of refuge.

1850.

222. 3

Power and duties of the city council of Lafayette.

1850.

222. 4

What employment and instruction is to be given to the juvenile delinquents.

45. The council of the city of Lafayette be and is hereby authorized and empowered to establish within the limits of said city, a House of Refuge for juvenile delinquents and juvenile vagrants, and to purchase or rent land to erect thereon suitable buildings for said House of Refuge.

46. Said council shall have full power and authority to provide for the organization and government of said House of Refuge and its inmates and for the instruction, education and reformation of the same within or without the limits of said House of Refuge by any mode or in such manner as said council may deem best adapted to accomplish the object for which said House of Refuge is established.

The district court in the Parish of Jefferson shall be and is hereby authorized and empowered to order that any persons of the age of fifteen years and under, may be placed in said House of Refuge, such persons to be kept and detained by said House of Refuge for the same periods respectively and to be governed and dealt with as the other inmates of the same.

47. The said council shall in addition to the powers granted by the preceding sections hereof, be and is hereby authorized to place the children committed to their care as juvenile delinquents and juvenile vagrants, during the minority of said children, at such employments and cause them to be instructed in such branches of useful knowledge as may be suited to their years and capacities; and they shall have power in their discretion, to bind out said children as apprentices to such persons and at such places, to learn such proper trades or employments as in their judgment will be most conducive to their reformation and amendment, and will tend to the future benefit and advantage of such children: Provided, that the charge and power of said council upon and over the said children should not extend, in the case of females, beyond the age of eighteen years, and males, beyond the age of twenty-one years.

AN ACT TO AUTHORIZE A LOAN.

City of Lafayette authorized to contract a loan not exceeding \$500,000.

1850.

19. 1

Bonds of said city, how issued and how redeemed.

1850.

19. 2

Seventeen years and six months allowed for the complete payment of said bonds.

48. The city council of the city of Lafayette shall be, and is hereby authorized to contract a loan or loans of money in such amounts and at such periods as said council may deem advisable, not exceeding the aggregate sum of five hundred thousand dollars the payment and redemption of which, shall be made at the periods and secured in the manner hereinafter provided for.

49. That for whatever amount of money may be borrowed under the provisions of this act, the said city council shall issue the bonds of the said city of Lafayette, signed by the mayor and treasurer and countersigned by the comptroller of said city, for the sum of one thousand dollars each, payable to bearer, and bearing interest at the rate of seven per centum per annum, and that for the purpose of redeeming on an increasing scale a portion of the principal each time, while paying the interest, five per cent on the original amount of each of said bonds shall be paid semi-annually at the treasurer's office of the city of Lafayette, or at such other place as the city council of Lafayette may select, which payment shall be on account of principal and for interest accru-

ed on said bonds, to the end that the entire amount, of said loan in principal and interest, shall be paid and extinguished at the end of seventeen years and six months from the date of said bonds, provided that none of said bonds shall be disposed of for less than the par value thereof.

50. That to each of said bonds there shall be attached thirty-five half yearly coupons, for fifty dollars each, representing the five per cent, required by the foregoing section for the payment of the semi-annual interest and of a portion for the gradual extinguishment of the principal of said bonds; which said coupons shall be signed and countersigned in the same manner as said bonds, and shall be so drawn and worded as to authorize the holders thereof, to receive payment of the same on presentation at the place of payment, and the value of the bonds, to which said coupons shall be attached, shall diminish proportionally with the payment of said coupons, and when the last coupon attached to each bond, shall have been paid, such bond to be of no value, and to be considered as extinguished, and this condition shall be expressed on the face of said bonds.

Coupons of interest, how issued and redeemed.
1850.
19. 3

51. That for the purpose of ensuring the punctual payment of the coupons of any loan or loans contracted under the provisions of this act, the city council of said city of Lafayette shall, as soon as organized, at its first session after the first Monday in the month of May, of each year, appropriate out of the first moneys collected from the taxes assessed on real estate for the current year within the limits of said city, an amount sufficient to pay promptly, when due, the semi-annual payment required by the second section of this act, for the extinguishment, including interest of said loan or loans as represented by the said coupons, and until such appropriation shall have been made by said council, no ordinance, resolution or other proceeding of said council shall be legal or valid.

Conditions annexed to said coupons.

Manner of ensuring the payment of the aforesaid bonds and coupons.
1850.
19. 4

52. It shall be, and it is hereby made the duty of the Treasurer of said city to deposit, from time to time, any and all moneys so received in each year from said taxes on real estate, in such safe place as said council may select to receive said deposits, until the full amount appropriated under the foregoing section by said council, shall have been deposited; and it shall not be lawful for said Treasurer, or any other officer of said city, to withdraw any portion of said deposits, but the same shall remain on deposit to meet the payment on presentation of said coupons, and any Treasurer or other officer of said city, who shall violate the provisions of this section, shall on conviction suffer imprisonment of not more than two years in the penitentiary at hard labor, and shall pay a fine of not less than five hundred dollars, and said Treasurer or other officer, and their respective sureties, shall be liable for the amount so illegally withdrawn from said place of deposit.

Duties of the Treasurer of the city of Lafayette.
1850.
20. 5

Penalty for any violation of the aforesaid duties.

53. The proceeds of said loan or loans, shall be exclusively appropriated by said city council: First to the payment and discharge of the liabilities of said city actually due and payable at the time of receiving such proceeds: Secondly, to the payment and discharge of any liabilities not matured of said city, which said council may be able to pay in anticipation, and by arrangement

Proceeds of the loan or loans aforesaid how applied.
1850.
20. 6

Liabilities of a member of the council violating the dispositions of this section.

with the creditor or creditors, on terms the most advantageous to said city, and which said council may deem advisable to accept: Thirdly, to the pavement, in square block stones, of such streets in said city, or the establishment of such other improvements as said council may deem advisable; and any member of said council voting for any other appropriations of said proceeds than the foregoing, shall be made personally responsible to the holder of any other obligations of said corporation for the amount so illegally appropriated.

Restrictions on the city of Lafayette to prevent the contracting of debts beyond the amount of the loan or loans aforesaid.

1850.
20. 7

Penalty to be inflicted on the city officers for violating the provisions of this act.

54. Whenever the sum of two hundred thousand dollars of the amount authorized to be borrowed by this act, shall have been borrowed by said city, it shall not be lawful for the council thereof to make any other loan or loans, except in performance of the provisions of this act, or contract any other debts, so as to be indebted at any one time beyond the sum of ten thousand dollars, exclusive of the loans heretofore provided for, and any ordinance or resolution passed by said council to that effect, to be null and void, and the mayor, aldermen, treasurer, comptroller, or other officer of said city, contracting a greater aggregate of indebtedness on behalf of said city, than ten thousand dollars, or aiding in the same, shall be personally liable to the corporation of said city for the excess of said indebtedness above the sum aforesaid, and to all persons injured thereby for the damages suffered by them.

Act of February 21st, 1850.

CITY OF NEW ORLEANS.

BOUNDARIES.

Division of the city.

1836
28. 1
1847.
101. 2

The Municipalities, how bounded.

1836.
28. 1
1847.
101. 2
1850.
243.

1. The city of New Orleans shall be divided into three separate sections, each with distinct municipal powers, under the denominations of municipality number one, municipality number two, and municipality number three.

2. The following are the boundaries of the municipality number one: commencing on the left bank of the Mississippi river, at the middle of Canal street, and following the middle of said street until it approaches as near as two hundred feet to the Canal of the Bank, thence following in a parallel line the said canal, at a distance of two hundred feet from the eastern bank thereof, as far as the Lake Pontchartrain; thence following the lake as far as the middle of the bayou St. John, including the settlements which are on the lake, at the mouth of the said bayou; thence following the middle of the said bayou as far as its intersection with the middle of the prolongation of Esplanade street; thence following the middle of said street as far as the river; and thence following the river up to the point of departure.

The municipality number two, comprises all that portion of the parish of Orleans, on the left bank of the river, situated between the municipality number one, and the parish of Jefferson.

The municipality number three comprises all of the parish of Orleans, on the left bank of the river, situated between the municipality number one and the parish of St. Bernard.

GOVERNMENT OF.—

3. Each municipality of said city shall be governed, and its affairs administered, by a council composed of a Recorder and the

1850.
243.

Aldermen elected by the wards within the limits thereof, and the Mayor of the city shall possess and exercise the powers vested in him within each of said municipalities. A majority of the members elected of each council shall form a quorum. Each municipality of said city shall have a separate treasury and treasurer, the duties and qualifications of whom shall be defined by the respective councils.

4. The qualifications of the mayor, recorders and aldermen of said municipalities respectively, shall be the same as are required for members of the House of Representatives in the general assembly of this State. And the qualifications of voters for said officers shall be the same as are prescribed by the constitution for the electors of Representatives in the general assembly of the State.

WARDS AND ELECTIONS.

5. The first municipality of the city of New Orleans shall be divided into the following wards. All that portion of the fourth representative district between the middle line of Rampart street and the river, shall constitute the first ward.

All that portion of the fourth representative district in the rear of Rampart street shall constitute the second ward.

All that portion of the fifth representative district between St. Louis, St. Peter and Rampart streets, and the river, shall constitute the third ward.

All that portion of the fifth representative district between St. Peter, St. Philip and Rampart streets and the river, shall constitute the fourth ward.

All that portion of the fifth representative district in the rear of Rampart street, shall constitute the fifth ward.

All that portion of the sixth representative district between the river and Rampart street, shall constitute the sixth ward.

All that portion of the sixth representative district in the rear of Rampart street, shall constitute the seventh ward.

6. The second municipality of the city of New Orleans shall be divided into the following wards:

All that portion of the first representative district between Magazine street and the river, shall constitute the first ward.

All that portion of the first representative district in the rear of Magazine street, shall constitute the second ward.

All that portion of the second representative district between Camp street and the river, shall constitute the third ward.

All that portion of the second representative district in the rear of Camp street, shall constitute the fourth ward.

All that portion of the third representative district between the river and St. Charles street, shall constitute the fifth ward.

All that portion of the third representative district between St. Charles and Circus streets, shall constitute the sixth ward.

All that portion of the third representative district in the rear of Circus street, shall constitute the seventh ward.

7. In each of the wards, there shall be a poll held, as nearly central as practicable, of each of said wards, for the election of mayor, recorder and aldermen of the general and municipal councils, whenever an election of all or either of said officers is required.

Each Municipality, how to be governed.

1836.
30.2

Treasurer of each Municipality.

1836.

37.23.

Qualifications of officers.

1846.
5.

Qualifications of voters.

1846.
5.

Wards of Municipality No. 1.

1st Ward.
1847.
14.1

2nd Ward.

3rd Ward.

4th Ward.

5th Ward.

6th Ward.

7th Ward.

Wards of Municipality No. 2.

1st Ward.
1847.
14.2

2nd Ward.

3rd Ward.

4th Ward.

5th Ward.

6th Ward.

7th Ward.

Where poll is to be held, and time of keeping same open.

1847.
15.3
1846. 10.1

ed to be held by law, and the polls shall be kept open from eight o'clock in the morning until six in the evening.

Inspectors of elections.

1847.
15. 4

8. Such elections at each of said polls, shall be conducted by three Inspectors of elections, one of whom shall be appointed by the mayor of the city for the time being, one by the general council, and one by the municipal council within which the ward is situated; and two clerks for each poll shall be appointed by the municipal council within which said poll is held.

In case Inspectors, &c., refuse to act.

1847.
15. 5

Returns, to whom made, and by whom examined.

1847.
15. 6

9. If either of the said inspectors or clerks refuse, neglect, or is unable to act, from any cause whatever, the mayor of the city, for the time being, shall appoint others to act in their stead.

10. The returns of all said elections shall be made to the mayor, by said inspectors, within forty-eight hours after said elections, who shall, in the presence of the recorders of said municipalities, specially notified by the mayor for that purpose, within three days after said returns have been received, and with the aid of a majority of them, open and examine said returns, and proclaim the result of such election, which they shall cause to be published under their official signatures, in one or more newspapers published in the French and English languages in the city of New Orleans.

Census.
1847.
15. 7

Commissioners to take the same.

11. On the first Monday in February, eighteen hundred and forty-seven, and on the second Monday in January of every fourth year thereafter, it shall be the duty of the mayor of the city of New Orleans to cause to be commenced a census of all persons residing in each of the municipalities of said city, and of all persons qualified to vote therein, classed according to the wards in which they reside; said census shall be taken by nine competent commissioners, three for each municipality, to be nominated and approved by the mayor, by and with the advice and consent of the council of the municipality for which they are appointed respectively. The commissioners so appointed shall make out complete lists of all persons and of all the qualified electors of the several wards of the municipality for which they are appointed, and transmit them to the municipal council, at their first meeting on or after the second Monday in February next ensuing their appointment.

Apportionment of Aldermen.

1847.
16. 8

Proviso:

12. As soon as the census shall have been completed, and a return thereof shall have been made, as above provided, the municipal councils respectively shall proceed to make a fair and equitable apportionment of aldermen among the several wards, on the basis of said census: Provided, that neither of said councils shall be composed of less than seven, nor more than eighteen aldermen, and provided, that every ward shall be entitled to at least one alderman, and no ward to more than three aldermen.

Council not to proceed to business until apportionment is made of Aldermen

1847.
16. 9

13. As soon as the returns of the census herein directed to be taken, shall have been made to the municipal councils, as above provided, it shall not be competent for said council, until a fair and equitable apportionment of aldermen shall have been made, to proceed to the transaction of any other business whatever, and any ordinance passed by them shall be void and of no effect.

14. The mayor of the city shall administer to the commissioners above provided for, and to all aldermen, recorders, and mem-

bers of the general council, before they shall enter upon the discharge of their office, the oath contained in the eighty ninth article of the constitution of this State; and the mayor of the city shall also take the same oath before any Justice of the Peace.

15. The aforesaid commissioners shall receive such compensation for their services as the council of the municipality for which they shall be appointed, may deem just and reasonable to allow.

16. The municipality number three, is divided into four wards, as follows: All the space included between the middle of Esplanade street and the middle of canal Marigny, from the river to the prolongation of Claiborne street, including all the new faubourg Marigny, shall form the first ward; all the space comprised between the middle of canal Marigny and the middle of Enghien street, and of Lafayette Avenue, from the river to, and including all the faubourg Franklin, shall compose the second ward; all the space comprised between the middle of Enghien street and of Lafayette Avenue, and the Fishermen canal (canal des Pêcheurs,) from the river to the distance of forty arpents from the same, shall compose the third ward; all the balance of the lower municipality, such as it has been above defined, say, all the space comprised in the following boundaries, to wit: a line beginning at Claiborne street, in the middle of Esplanade street, following said street as far as its junction with the middle of bayou St. John, down said bayou as far as the Lake Pontchartrain, following said lake as far as Chefmenteur river, down said river as far as lake Borgne, following said lake as far as bayou Bienvenu, up said bayou as far as the Fishermen canal (canal des Pêcheurs,) up said canal as far as a point at forty arpents from the river, following with all the meanders of the river, said line, at forty arpents of the river, as far as Lafayette Avenue, down said Avenue as far as the division lines between the faubourg Franklin and the new faubourg Marigny, and the properties on the Gentilly road, up said division line as far as the upper line of the new faubourg Marigny, following said upper line as far as its intersection with the projected prolongation of Claiborne street, and up said Claiborne street as far as the point of beginning, shall compose the fourth ward.

17. In each of the wards of municipality number three, except the fourth ward, there shall be a poll held as nearly central as practicable of said wards, and in said fourth ward there shall be two polls held, viz: one at Milneburg, lake Pontchartrain, for the voters residing at Milneburg, and one at or near the junction of Bayou and Gentilly roads for the voters residing in all points of said ward, not comprised within Milneburg, for the election of Mayor, Recorder and Aldermen of the General and Municipal Councils, whenever an election of all and either of said officers is or may be required by law.

18. Such election at each of said polls shall be conducted by three inspectors of election, one of whom shall be appointed by the Mayor of the city of New Orleans for the time being, one by the General Council, and one by the council of said municipality, and two clerks for each poll shall be appointed by the council of said municipality.

Oath.
1847.
16. 10.

Compensation of
Commissioners.
1847.
11. 11.

Municipality No.
3, how divided,
1836.
30. 3
1st Ward.

2nd Ward.

3rd Ward.

4th Ward.

Polls of election
in the 3d Municipality.
1847
73. 2

Inspectors of elections, how appointed.
1847
73. 3

Returns of election, how made, and how examined
1847
74.4

19. The returns of said election shall be made to the Mayor by said inspectors, who shall, in the presence of the Recorder of said municipality, specially notified by the Mayor for that purpose, within three days after said returns have been received, and with the aid of a majority of them, open and examine said returns, and proclaim the result of such election, which they shall cause to be published under their official signatures, in one or more newspapers published in the french and english languages in the city of New Orleans.

Oath to be administered to Inspectors and clerks of elections.
1847
74.5

20. The Mayor of said city shall administer to all inspectors and clerks appointed for the election of Mayor, Recorder and Aldermen of the General and Municipal Councils, and before they shall enter upon the discharge of their office, the oath contained in the eighty ninth article of the Constitution of this State.

Election of Aldermen.
1827
54.4

21. On the first Monday in April, there shall be held an election in each of the said wards, under the superintendence of persons appointed, for the purpose of electing the number of Aldermen to which they may be respectively entitled, the Aldermen so elected shall hold their seats one year from the second Monday in April, when their term of service shall commence.

Elections, when held, &c.
1828
82.

22. The election of Mayor and Recorders of New Orleans shall take place every other year on the first Monday of April, on the same days and at the same place where the election of Aldermen takes place for the said year; and the Mayor and Recorders thus elected shall enter on the duties of their offices only on the second Monday of May following.

Proceedings in case of death or resignation of mayor.
1840
49.2

Death or resignation of Recorder

23. In case of the resignation or death of the Mayor, the General Council shall as soon as practicable order a new election to fill the vacancy for the remainder of the term; and in case of the death or the resignation of the Recorder of either municipality, the council of such municipality shall also as soon as practicable order a new election to fill the vacancy for the remainder of the term; and in the meanwhile and until such election shall have taken place, said Council shall have power to appoint a Recorder pro tempore.

Elections of treasurer, Comptroller, Surveyor, Captain of Watch and Wharfinger.
1850
131.13

24. A treasurer, a comptroller, and a surveyor and captain of the watch and wharfinger, shall be elected every two years in each municipality by the qualified voters thereof, at the same time and in the same manner that the recorder of said municipality is regularly elected. In case of a vacancy arising from any cause whatever, a special election shall be held in the same manner as in a case of vacancy for the office of recorder. No person shall be eligible to any of said offices unless they shall have obtained a discharge for the amount of all public moneys with which they may have been entrusted; and all officers so elected shall be and remain under the control of the mayor and the council of such municipality, as is provided for by existing laws.

COUNCIL.

Powers and duties of councils.

25. Each Municipal Council shall be the judge of the election of the recorder and its members, and it shall name by ballot its clerks and its other private officers. They

shall meet at least once in every month for the despatch of business. The sittings or assemblies of the Municipal Councils shall be public, except when, at the request of two thirds of the members present in said council, the said council shall deem it necessary to deliberate with closed doors.

26. It shall be the duty of the Recorders and Presidents of the municipal councils of New Orleans respectively, every day and at the hour the Municipal Councils shall meet, to cause the nominal call of all the members of the Council to be made by the clerk, before the opening of the sitting, and the said clerk shall mark the names of the absent members; but he shall erase the marks from the names of such members as shall make their appearance within half an hour after the opening of the sitting, and the names of such as shall not appear at all or shall appear after the delay above prescribed, shall be set down on the book of the deliberations of said assembly. The recorder for the time being shall *ex officio* be president, but shall have no vote except a casting vote, unless at such time as the said Council shall resolve itself into a committee of the whole, and in case of vacancy in the office of Recorder, or of his absence or inability, the said Council shall choose one of their members as president pro tempore.

27. No member of any City Council shall be appointed to any employment or office under the said corporation, which shall have been created, or the emoluments whereof shall have been increased by the Council, during the time for which he shall have been elected.

POWERS.

28. Each of said municipalities of the city shall possess separate corporate rights, and are hereby declared to be distinct corporations, and shall possess generally all such rights, powers and capacities, as are usually incident to municipal corporations; shall have a seal, and the same may alter or renew at pleasure; shall be capable of suing and being sued; of acquiring by onerous and gratuitous title all kinds of property, real, personal, or mixed; of enjoying, alienating, mortgaging, and otherwise disposing of the same. The Councils of each of said municipalities shall have the exclusive right to appoint all officers thereof. The Mayor may, by lodging a complaint before any separate Council, remove forthwith any officer of one municipality: Provided that in case said officer should be re-elected by said Council, then the Mayor shall have no right to remove the same officer during the term of service for which said officer shall have been re-elected. All ordinances of the City Council and police regulations of the said city, established and in force prior to the eighth of March, eighteen hundred and thirty six, shall continue in force in each of said municipalities respectively, so long as the same shall not be repealed by the Councils of each of said municipalities respectively.

29. Each of the aforesaid corporations shall have the exclusive right to make and enforce all public laws and regulations within their respective limits, and to regulate, and at their own expense make all improvements to the streets, public squares, wharves, and other public property, the use of which is com-

1816
91. 6
1805
52. 6
1816
92. 3

Rule relative to meeting of city council.

1821
96. 5

The Recorder.

1805
50. 5

Aldermen cannot hold offices under the corporation.

1805
64. 12

Each Municipality shall possess separate rights and powers.

1836
31, 4

How the Mayor may remove any officer of one Municipality.

1836
32, 8

All laws relative to the corporation of New Orleans, and all ordinances of city council to continue in force in each Municipality, so long as they are not repealed.

1836
33, 10

Exclusive right of each corporation

1836
33, 11

Proviso,	mon : Provided, however, that such regulations do not deprive the inhabitants of the other municipalities of the right of using the same, in common with the inhabitants of the municipality, within which such property is situated ; and each municipality shall also have the right to designate the particular portions of the landing opposite thereto, which shall be allotted to the different species of boats and vessels. And the said Councils shall
Powers of the council.	have power to make and pass all by-laws and ordinances for the better government of the affairs of the said corporation ; for regulating the police and preserving the peace and good order of the said city ; and all ordinances and by-laws, after having passed the said Council, shall be transmitted to the Mayor for his consideration, who, if he shall approve thereof, shall sign and return the same to the said Council, and such by-laws and ordinances shall thereupon have the force of a law ; but if the said Mayor shall disapprove of the said by-law or ordinance, he shall within five days return the same to the Council, with his objections in writing ; and if two thirds of the members then present in the said Council, shall agree to the said law, notwithstanding such objection, then, but not otherwise, the said by-law or ordinance shall have the force of a law : Provided always, that if the Mayor shall not return any by-law or ordinance transmitted to him by the Council, within five days after it shall have been received by him, then he shall be deemed to have approved of the same, and it shall pass into a law.
1805 52, 6	
The Mayor,	
Proviso.	
Power to raise money by taxes.	30. The said Mayor and the Municipal Councils respectively shall have power to raise by tax, (which shall be equal and uniform and in proportion to the value of property) upon the real and personal estate within the said city, and upon capital such sum or sums of money as may be necessary to supply any deficiency for the lighting, cleaning, paving and watering the streets of the said city ; for supporting the city watch, the levee of the river, the prisons, work houses, and other public buildings, and for such other purposes as the police and good government of the said city may require : Provided, that no real property within the limits of the said city, and not situated in that part thereof which shall at the time of imposing such tax be laid out into streets, shall be taxed for the maintenance of lights, of the city watch, or for watering or cleaning the said streets : until equal support and privilege are extended to such districts as exist in the city in proportion to the tax that may be laid on such districts, the said Mayor and Councils shall not have power to regulate the price of any kind of provisions ; or the price of merchandize brought or imported into the said city, or of the growth or manufacture of the same ; nor to tax butchers or bakers.
1847 140, 1	
1850 5, 1	
The purposes for which such money is collected,	
1805 56, 6	
Proviso.	
1813 244, 1	
Restrictions on Mayor and Councils.	
1836 37, 20	
1847 30,	
The Mayor and the different Councils, power of.	31. The Mayor and Councils of the different municipalities of the city of New-Orleans shall have full power and authority to make and pass such by-laws or ordinances as they shall deem necessary to maintain the cleanliness and salubrity of said city ; to secure the safety and convenience of passing in the streets and squares, ways, levees, and other public roads, to fix the squaring and to prevent any encroachment or other undertaking on the said public roads, to determine the completion and the
1816 92, 1	

dimensions, the maintenance and repair of the side pavements in the said streets, to fix the place and the anchoring for ships and water crafts in the port of New Orleans, leaving to the harbor master the care of attending to the execution of the regulations made on that subject ; to establish an active system of inspection over the conduct of slaves ; to establish a city guard or patrols ; to provide for lighting the streets ; to determine in what part of the city wooden buildings shall not be allowed to be erected ; to prevent gunpowder being stowed away in the city and suburbs, in such quantity as to endanger the public safety ; to determine on the means to be resorted to in order to extinguish conflagrations and to prevent the same ; to regulate the service of the persons employed in working fire engines ; to permit or to forbid theatres, balls, and other public amusements ; to cause the play houses, and places for shows or exhibitions, to be closed, whenever the preservation of order, public safety or tranquillity shall require it ; to establish one or more market places, and to determine the mode and inspection for all comestible sold publicly, either in said market or markets or in other places ; to regulate every thing which relates to the police of bakers, butchers, tavern keepers, or of grog shops, and other persons keeping public houses, draymen, horse drivers, water carriers, and slaves employed as day laborers ; and to make any other regulations which may contribute to the better administration of the affairs of the said corporation, as well as for the maintenance of the police, tranquillity and safety of said city, and shall have the powers of police juries generally upon the subject of the police and the emancipation of slaves, within their boundaries respectively.

32. It shall not be lawful for said Councils to grant commissions for collection of taxes at a rate exceeding two and a half per cent, to appropriate a sum exceeding three thousand dollars for the salary of any one office ; to allow any extra compensation or bonus to any person or persons employed by any municipality over and above their regular salary ; to increase or diminish said salary during the year for which the same has been appropriated ; to make any appointments to office unless by a *viva voce* vote ; to re-appoint any persons to office before they shall have obtained a discharge for the amount of all public moneys with which they may have been entrusted.

33. No committee of said councils shall ever be vested with power to appoint to office ; and no officer shall be removed from office unless by a resolution of the council.

CONTRACTS FOR PUBLIC WORKS.

34. All contracts for public or other works ordered by any of the said municipalities shall be offered by the Mayor at public auction, and given to the lowest bidder ; and no alderman or other officer of the municipality shall be directly or indirectly interested in any such contract or work, under pain of nullity of said contract, and of forfeiting his office for misdemeanor.

All sealed documents sent into the said councils shall be opened by the secretary thereof in open council, and any secretary allowing any committee of said council or any alderman of the same to open any sealed document, petition, or offers of contractors,

1840.
51. 7.

1846.
92. 1.

1820.
68. 4.

1846.
105. 4.

Commissions for
the collecting of
taxes.
1850.
130 ; 10.

Provisions rela-
tive to salaries and
appointments.

Removed from
office.
1850
131 ; 11.

Contracts for
public works.
1850.
131 ; 12.

Sealed docu-
ments presented to
the councils.
1850.
131 ; 14.

shall for such misdemeanor be immediately dismissed from office.

Limitation of powers.

1806
8.1.
1816.
94. 2

Proviso.

Additional rights of Municipalities to impose fines.

1840.
52. 3

Bonds and recognizances.

1840.
179. 4

Fines decreed by the Legislature to belong to parishes shall belong to the respective Municipalities.

1820.
22. 3

Power given to regulate vehicles, &c.

1832.
137. 3

Licenses.

Stands.

Strays.

35. The corporate authorities of New Orleans respectively are authorised to affix all kinds of fines, not exceeding the sum of one hundred dollars, as the case may require, for every offence against the by-laws and ordinances which they are empowered to make or have already made; and the recovery of the same shall be made before any justice of the peace or any competent tribunal, in the name of and for the benefit of the Municipality in which they were incurred. Provided, that any person that may be imprisoned on account of his not being able to pay such fine, shall not be detained in prison above the term of one month.

36. Each of said Municipalities shall have the right to impose a fine not exceeding one hundred dollars upon any person or persons who shall maliciously or voluntarily break or take off from the door of any inhabitant within the city of New Orleans, any brass or other knocker or bell handle or knob affixed to such door; or maliciously or voluntarily break, take down, destroy or deface any sign put up by any inhabitant of this city, to denote his, her, or their place of abode, occupation, business or employment.

37. All bonds and recognizances taken by the Mayor or Records within the city of New Orleans, for the public peace, or in criminal matters generally, shall when forfeited, be recovered by the city attorneys, for the use of the respective municipalities, within which said bonds are taken.

38. In all cases where the Legislature shall have ordered that the fine or fines, incurred on account of a violation of any act on police matters, of a general or particular nature, such as the statute regulating a standard of weights and measures throughout the State, shall be for the use of the parish, either in toto or in part, said fine or fines shall belong to the Municipality in which they were incurred, in the same manner as has been settled for the parish.

POLICE.

39. The Mayor and City Councils respectively shall have power to make such regulations as they may deem proper within their respective limits on the following subjects, to wit: 1st, for the proper government of carts, or other vehicles of every description, whether kept for hire or not, which run in the streets, or of the drivers of the same. 2d. To require that such of said carts or carriages as they may deem proper, shall receive licenses from the Mayor of said city, and shall pay a fee for each of said licenses so granted, and for each cart or other vehicle to which the same may be granted, &c. 3d. To fix on certain places where meat, fish, oysters and other provisions which are liable to spoil and to infect the air shall exclusively be sold. 4th. To arrest and conduct to such places as shall be designated for that purpose by the Mayor, all animals that shall be found running astray within their respective limits, and to have the same sold for the benefit of whom it may concern, in the same manner, and with the same delays as are prescribed by the said regulations. 5th. To prevent the stopping or obstructing the streets, public

squares, sidewalks, levee, public roads, or any part of the port of New Orleans; and to order any objects, whatever may be their value, which may encumber said places, or prevent or embarrass the public use of the same, to be removed, or cause to be sold for the account of whom it may concern, in the same manner and after such advertisements as shall be required by such regulations. 6th. To subject all persons who may contravene such regulations to the payment of such fines as the said Mayor and City Councils shall deem necessary to impose: Provided, that said fines shall not exceed one hundred dollars for each and every contravention.

Removal of obstructions to streets and public places.

Fines,

40. As controversies may arise as to the validity of the powers to be exercised by the persons belonging to the city Guard of any of the Municipalities to conduct to the Guard house, and without any express writ or warrant, either from the Mayor or from any other Magistrate of said city, any person, whether a free person or a slave, caught in the act of committing any crime or misdemeanor, or of disturbing the public peace; or found wandering in the streets during the night at unseasonable hours; all persons belonging to the city Guard of any of the Municipalities are fully empowered, and without any express writ or warrant, either from the Mayor or any other magistrate of the city, to arrest any individual, whether a free person or not, who shall be caught in the act of committing any crime or misdemeanor, or of disturbing the public peace, whether by night or in the day time, and likewise any suspicious person who shall be found in the streets of the city or its faubourgs in the night time and at unseasonable hours, and to conduct such persons to the guard house attached to either of the corps of the city guard, whether said guard be on patrol or not or whether there be several of them together, or a single one; and if the persons composing said city guard meet with any resistance in making such arrests, they may call on the bystanders, or any other person whose assistance they may require to aid them in overcoming the same: and that any person offering resistance or violence to them while in the discharge of their said powers, shall be prosecuted and punished in the same manner as any person resisting the execution of writs or orders with which the officers of courts of justice are entrusted, as prescribed by the penal laws of the State.

Arrest of suspicious persons and disturbers of the peace.

1834
131.7

Penalty for resisting the city guard.

41. Whenever any one shall be arrested by persons belonging to the city guard of any of the Municipalities, as is provided in the preceding section, the individual so arrested shall be confined in the guard room attached to each corps de garde of said Municipality where they may have been conducted until they can be brought before the Mayor or any other Magistrate in the city, which shall be done by the officer commanding said corps de garde, as soon as the office of said Mayor, or any other Magistrate, shall be opened; or at farthest, within ten hours after said arrest, unless the same shall have been made in the night time. The city guard of the Municipalities are not authorized to use either side or fire arms in making arrests, except it be in self-defence.

Persons arrested to be confined.
1831.
140 8

City guard not to use arms in arrests.
1831
141. 10

42. In the event of some imminent danger, occasioned by some

Patrols.
1821.
94. 3

interior disturbance, the Mayor and Municipal Councils of New Orleans shall have power to pass such by-laws as they may deem necessary to establish in the city of New Orleans, patrols or square guards, to consist of all white male persons able to bear arms, between the age of eighteen years and that of fifty years, excepting all those who do, or may hereafter, belong to any uniform militia company of this city.

Duty of Municipal
Councils in relation
to slaves for sale.
1829.
48; 9.

43. It shall be the duty of the Municipal Councils of New Orleans to pass any ordinance or ordinances, to prevent the exposition of slaves that may be brought or introduced into the city for sale or hire in the public and most frequented places thereof, and to make such regulations in regard to their exposure and the parts of the city where the said slaves shall be lodged, kept and sold, as may to the said Councils seem meet and proper, to maintain tranquillity and good order in the city.

Crimes or misde-
meanors.
1836.
33; 12.

44. If any person charged with having committed any crime or misdemeanor in one municipality, escapes into, or is found in either of the other municipalities, such offender may be arrested on the warrant of the recorder of either of the municipalities in which the offence was committed, or in that in which he is found, and by the officers of either municipality.

Prisons of New-
Orleans. Expens-
es thereof to be
paid by each mu-
nicipality.
1836.
34, 14.
1846.
105; 6.

45. The three municipalities shall have the right to continue to use the prison of New-Orleans, on paying an equitable proportion of the expenses thereof, in building, supporting and guarding the same. Each of said municipalities shall pay the expenses of repairing, taking care of and guarding the prisons of the city of New-Orleans and their respective work houses, and of holding, until otherwise provided for, the District Courts in said city, and all courts hereafter to be established, said expenses to be incurred under the superintendence of and to be apportioned by the General Council; and said municipalities shall pay the fees of the coroner and doctor on all inquests held within their respective limits. It shall be the duty of the keepers of the police jails of the three municipalities of New-Orleans, to advertise in French and English in the State paper and in the official gazette of the municipality in which said jail is situated, once a week during three consecutive months, such slave or slaves, whose owners are unknown, or reside out of the State of Louisiana, as may be detained in their respective jails, and whether arrested within the parish of Orleans or brought thither from any of the jails of this State. In case the owner of said slave or slaves should not claim them at the expiration of the above three months, it shall be the duty of the Council of the municipality in whose jail said slave or slaves may be detained, to cause the same to be sold at auction for whatever they will bring for cash after thirty days advertisement in the above mentioned official gazette. Provided, that no slave can be sold unless he has been twelve months held in imprisonment.

Slaves taken up
to be advertised.
1845.
77; 1.

77; 2.

1845.
77 3.

HOUSE OF REFUGE.

Establishment of
houses of refuge
in the three muni-

46. The several municipalities of the city of New-Orleans are authorized and empowered to establish within their respective limits houses of refuge for juvenile delinquents and juvenile

vagrants, and to purchase or rent land within or without the limits of said city, and thereon to erect suitable buildings for said houses of refuge.

47. The said municipalities shall have full power and authority to provide for the organization and government of the said houses of refuge and their inmates and for the instruction, education, and reformation of the same within or without the limits of said house of refuge, by any mode or in such manner as they may deem best adapted to accomplish the object for which said houses of refuge are established.

48. The several courts in the city of New Orleans, exercising criminal jurisdiction shall be and they are hereby authorized and empowered to order that any persons of the age of fifteen years and under may be placed in either of said houses of refuge as said courts may deem proper; such persons to be kept and detained by said houses of refuge for the same periods respectively and to be governed and dealt with as the other inmates of the same.

49. The said several municipalities of New Orleans, shall in addition to the powers vested in them by the preceding sections be and they are hereby authorized to place the children committed to their care as juvenile delinquents or juvenile vagrants, at such employments and cause them to be instructed in such branches of useful knowledge as may be suitable to their years and capacities, and they shall have power in their discretion to bind out such children as apprentices to such persons and at such places, to learn such proper trades or employments as in their judgment will most conduce to their reformation or amendment, and will tend to the future benefit and advantage of such children: Provided, that the charge and power of the said municipalities upon and over the said children shall not exceed, in the case of females, the age of eighteen years, and in the case of males, the age of twenty-one years.

PRIVILEGE FOR PAVING AND TAXES.

50. Whenever the owner of any property, in front of which paving shall be done by order of the Council of the municipality within which it is situated, shall fail to pay the third part of the cost of said paving as he is bound to do, such municipality shall have a special privilege on said property for the reimbursement of one third part of the sums expended on such paving, which shall entitle it to be paid in preference even to a previous mortgage thereon, and that special privilege shall exist also on said property in behalf of each municipality for securing the payment of taxes assessed on said property and due to the municipality: Provided however, that the privilege which secures the reimbursement as aforesaid for paving shall only exist when an account of said paving, certified by the treasurer and comptroller of said municipality shall be duly recorded in the office of the recorder of mortgages of this city, and provided said privilege shall exist for two years only after the tax has become due.

51. That the recorder of mortgages be the only officer authorized to make the inscriptions of said accounts for paving, and that it shall be his duty to mention in all certificates from his

cialities of the city of New Orleans.
1850.
95; 1.

Manner of regulating said Houses of refuge.
1850.
95; 2.

Powers granted to courts of criminal jurisdiction in New Orleans.
1850.
95; 3

Powers to be exercised over the persons confined in said houses of refuge.
1850.
96; 4.

Provision in the case of failure to pay paving bills.
1849
51.7

Special privileges reserved for paving and taxes.

Proviso.

Prescription.
1844.
105; 1.

Duty of Recorder of mortgages.
1841.
106; 3.

office, the privilege resulting in favor of either of said municipalities, from the recording of said accounts for paving.

STREETS AND LEVEES.

Power over streets,
levees, &c.

1846.
105 ; 4.
1813.
158 ; 5.

52. The said municipalities of New-Orleans, within their respective limits, are empowered to make all such regulations as they may deem expedient relative to the proportion and direction, the making and repairing of the roads, bridges, causeways, dykes, levees, and other highways.

Laws to regulate
the opening, laying
out, and improving
streets and public
places, within the
municipalities of
New Orleans, ex-
tended to such
parts of said mu-
nicipalities as are not
within the taxable
limits.

1847.
162.

53. The powers vested in the several municipalities of the city of New-Orleans to regulate the opening, laying out and improving streets and public places within said municipalities, are hereby declared to extend to every part and portion of each municipality, whether the same be within the municipal taxable limits or not ; and all property which may be benefitted by such improvements, made in conformity with existing laws, whether any ground be taken or not, shall be liable to be assessed for the proportion of benefit derived from such improvements, and the owners thereof shall be bound to pay to the municipality that has caused such improvements to be made, and within the limits of which such property is situated, the amount of such proportion of benefit, when ascertained and finally determined, which amount shall constitute a lien on such property, conformably with the laws, authorizing the municipalities of the city of New-Orleans to open, lay out and improve streets and public places within the limits of said city.

Taxes due by
non residents, how
sued for.

1838.
102 ; 1.

54. Whenever any sum of money shall be due to any of the municipalities of the city of New-Orleans by non-resident persons, who have no agent in this city, for city expenses to which the said owners are subject for repairs of their levees, roads, bridges, enclosures, banquettes, paving, and other of the same nature, it shall be lawful for the municipal treasurer, after having made the proof of the said debt before any competent tribunal, contradictorily with a person appointed by the said court to defend the said owner, to cause the city lots or other lands subject to the said taxes and other expenses, to be seized and sold in the manner hereafter prescribed, without being bound to discuss the other property which the said owner may have in the parish of New-Orleans, or elsewhere : Provided that the said order of seizure and sale may be issued for any sum even under one hundred dollars. The sale of the town lots and other lands thus seized, shall not be made until said sale shall have been advertised during three months in two of the newspapers printed in New-Orleans, both in the english and french languages, that is three times in each of the said months, and also on complying with the other formalities prescribed by law for the sale of real property seized.

Advertisements
and other formal-
ties.

1828.
104 ; 2.

Powers given as
to levees and high-
ways.

1834.
139 ; 6.

55. Besides the powers vested by law in the said Mayor and municipal councils respectively, the direction and dimension of the highways and levees within the limits of each municipality, the councils respectively are hereby authorized to order a new levee nearer to the river to be constructed, either in whole or in part, and to provide for the keeping of all the bridges in such a

state of repair as to prevent the public passage ever being interrupted, notwithstanding any right to the superintendence of those bridges which might be set up by the corporation of the Orleans navigation company and the New-Orleans Canal and Banking Company.

56. If any person or persons shut up, by means of a fence or any other obstruction, any street or public way acknowledged as such, and of which the public shall be in actual possession, in the city of New-Orleans, either in the city itself or in the incorporated or unincorporated faubourgs, the Mayor shall have the power, upon the fact being made known to him by the affidavit of any credible person, to cause the said fence or other obstruction to be removed at the expense of the person who shall have erected the same, after having given written notice to said person, if he be known, to destroy or remove the same, within any reasonable delay he shall determine; or if said person be not known, the said Mayor shall cause the said fences or other obstructions to be removed, or sold, if said objects are saleable upon inserting a notice to that effect in English and French in two newspapers of New Orleans. If any individual make any works, or cause a dyke or levee to be made in front and out of the levee already existing in the limits of the city of New Orleans, without being thereunto specially authorized, by the Municipality in which the same is situated, the Mayor shall have the power to cause the works so commenced or completed, to be destroyed, at the expense of the owner of the same, without being obliged to apply to a court of justice. The provisions of this section shall extend to all works which might be made on the battures, whether the said battures belong to the riparian proprietors, or are reserved for public use.

Powers of the
Mayor.
1830
114; 1.

OPENING STREETS AND PUBLIC PLACES.

57. Whenever such portion of the owners of property in the neighborhood where any improvement of any street, square or public place is desired, as to the mayor and city councils respectively of the city of New Orleans may appear sufficient, shall by petition desire the said mayor and city council of any municipality, to cause to be opened, straightened or improved any street, square or public place, and the said mayor and city council shall deem such improvement to be necessary or highly useful, and also, whenever it shall, in the opinion of the city council of any municipality, be necessary or desirable for the public convenience or health, to lay out, form and open any street or public place in any part of the said city, or to extend, enlarge, straighten or otherwise improve any such street or place, it shall be lawful for said mayor and city council to cause the same to be opened, widened or improved, and such extension, enlargement, or other improvement to be made, and the lands, lots, and the buildings and improvements that may be necessary for that purpose, whether belonging to individuals or corporations, to be taken, removed, and applied to the purpose aforesaid, and compensation to be made to the parties and persons, if any such there be, to whom the loss and damage occasioned thereby shall be deemed to exceed the benefit and advantage thereof, for the excess of said damage above the

Mayor and City
Council empowered
to open and
otherwise improve
streets.
1832.
32, 1

Public notice to
be given before
Mayor and Coun-
cil proceed to open
and improve any
street.

1832.
132. 2

said benefit, to be ascertained in the manner provided by law. No resolution or ordinance shall pass any of the municipal councils, with a view to open, straighten or improve any street, square or public place, or to petition any court of commissioners hereinafter mentioned to be appointed, until said councils shall have caused a notice of the nature of the application or proposition for said proposed improvements, with a particular description of the same, to be published in French and English, in two newspapers printed in the city of New Orleans, the first publication of which notice shall not be less than ten nor more than thirty days before the time at which the council shall proceed to act on said application or proposition; and no application or resolution for said improvement shall be acted on oftener than once in any one year, viz: between January of one year and January of the succeeding year.

Application to
be made to District
Court.

1832.
132. 3

Commissioners
appointed.

Estimate of da-
mage and benefit
to be made.

58. Whenever any lands or premises shall be required for the purpose aforesaid, the said Mayor and Municipal Councils respectively shall cause application to be made to a district court of the first Judicial district, which court shall, on application, appoint three discreet and disinterested persons, competent to serve as jurors in said court, commissioners of estimate and assessment, and the persons thus appointed, before they enter upon the performance of the duties of their appointments, shall severally take and subscribe an oath before some person authorized by law to administer oaths, "faithfully, impartially, and according to the best of their skill and judgment, to perform the trust and duties required of them," which oath shall accompany and be filed with the assessment hereinafter mentioned; and it shall be the duty of the said commissioners, after having reviewed the lands and premises required for the purpose above set forth; and the lots, lands and property adjacent thereto; and after causing to be made such surveys and plans as they may judge necessary for their use, to make a just and equitable estimate and assessment of the loss and damage, and of the benefit and advantage to the respective owners, lessees, parties, and persons respectively interested in the lands and premises so required for the purpose aforesaid; and also of the benefit and advantage of such improvements to all the lots and premises adjacent to and fronting that part of the street so opened, straightened or improved as aforesaid, and which said commissioners may deem benefitted thereby, according to the respective estates and interests of the parties in said property, and the difference between the damage and benefit shall be the compensation to which said persons whose property has been so taken shall be entitled; and the amount so estimated and assessed as the benefit and advantage on the lots and premises adjacent to said improvement, shall be the amount to be paid by the owners and persons interested in said adjacent lots and premises; and in their assessment the commissioners shall set forth the names of the respective owners, lessees, parties, and persons, entitled to and interested in, said lots and premises, and also the occupant thereof, as far as the same shall be ascertained by them, and also an apt and sufficient designation and description of the respective lots and parcels of land and pre-

mises that may be required for the purpose aforesaid, and also of the respective lots or parcels of land deemed to be benefitted by said improvement, and assessed to pay for the same, and the sums assessed for damage or compensation and for benefit and advantage respectively; and in every case where the owners or parties interested, or their respective estates and interests, are unknown, or not fully known to the commissioners, it shall be sufficient for them to estimate and assess, in general terms, the respective sums to be allowed to or paid by the owners or proprietors generally of said lots and premises. The said commissioners shall deposit a copy of said estimate or assessment, with the clerk of the court by which they were appointed, for the inspection of whomsoever it may concern, and shall give twenty days' notice by advertisement, to be published three times within the first fifteen days in at least two of the public newspapers, printed in the city of New Orleans in the French and English languages, of the day on which the reports of said estimate and assessment will be presented to said court for confirmation; any persons whose rights or interests may be affected thereby, may state specially his objections to the same, in writing, within ten days after the last publication of said notice, and the commissioners may thereupon reconsider their estimate and assessment, or the parts thereof objected to, and alter the same at any time between the expiration of said ten days after the last publication, and the day fixed for making the report thereof; and the estimate or assessment so finally agreed upon by the commissioners shall be signed by the said commissioners, or any two of them, and reported to the said courts for confirmation, within ten days and no more, after the day fixed for filing the report of said assessment, any person whose rights are affected thereby, may file his objections or opposition in writing to said assessment, and the said court shall by rule or order, after hearing any matter which may have been specially objected thereto, either confirm the report, or refer the same to the same commissioners for renewal and correction; or to new commissioners, to be appointed by the said court, to reconsider the subject matter thereof; and the commissioners to whom the said report shall be so referred, shall return the said report with their approval as corrected and revised, or a new report to be made by them in the premises, to the said court, within a delay to be fixed by the court, which may on application to the court be extended: after the said report is so returned, persons whose rights are thereby affected may, in like manner, file their objections to the same within ten days after such return, and the said report, when so returned, shall be confirmed, or again referred by the said court, in manner aforesaid, as right and justice shall require, and so from time to time, until a report shall be made or returned in the matter, which the said court shall confirm, and such report, when so confirmed, shall be final and conclusive, as well upon the mayor and city council of the said city of New Orleans, as upon all persons and parties interested in the lots, lands, and premises mentioned in said report, and on all other persons on whom served, and the investigation

Notice of assessment to be given.

Assessment to be reported to the district court.

Opposition to be made in writing.

Confirmation of report.

Proceedings in Court to be summary,

Mayor and council and individuals may make an agreement in regard to damages and benefits.

1832.
36 : 4.

of such reports before said court, shall be considered as summary proceedings, and be tried in the same manner.

59. It shall be lawful for the said Mayor and Municipal Councils, at any time before or after the appointment of commissioners, to agree with the owners and persons interested in the lots and premises, for and about the cession of so much thereof as may be required for the purposes aforesaid ; for and about the compensation and recompense, as for and about the sum to be allowed and paid for the benefit and advantage to be derived from said improvement ; in case of any such agreement or agreements with part only of said owners and parties interested in said lands, the same shall be valid and binding upon the parties interested ; and the said commissioners shall proceed with their estimate and assessment, and report as to the residue of said lands required for said improvement, and to be benefitted thereby concerning which no agreement shall have been made, and the said report, when confirmed, shall be of like force and effect in regard to the matter comprised therein, as if no such agreement for part of the lands required as aforesaid had been made.

Rules by which assessors are to be governed.

1832.
136 , 5.

60. In all cases where only part of the lot, land and property of any person shall be taken for the purpose aforesaid, and whether the property be considered to suffer damage or to derive benefit from such intended improvement, and where such property shall not exceed four acres of superficial extent, the said commissioners shall estimate separately : 1st., the whole lot of ground, buildings and improvements thereon ; secondly, the damage which such property will suffer, and the benefit which it will receive by reason of such improvement, and the owner of such property is at liberty to take and receive the whole value at which such lot of ground and improvements thereon is estimated and appraised, by filing a written declaration to that effect, made before the clerk of the court where such assessment is deposited, or made by authentic act and filed with said court within ten days after the first notice of publication that the assessment is deposited with the clerk, in which case, the whole of said lot of ground and improvements shall become the property of the said corporation, who shall then be considered as in place of the owner, and be entitled to the damage or charged with the assessment for benefit. But if no such election be made within the time aforesaid, it shall be considered that such owner agrees to retain the part of his property not required for the purpose of said improvement, and to receive the damage.

Owner may abandon the property to the city at the assessed value.

In what manner payments are to be made to persons whose property shall have been taken.

1832.
136 ; 6.

61. Said Mayor and Municipal Council shall, within two calendar months after the confirmation of the report, pay to the respective persons mentioned in said report, in whose favor any sum or sums of money shall be estimated and reported, the respective sums reported in their favor, and in case of neglect or default, such person, after application made to said Mayor and City Council for payment thereof, may sue for and recover the same with six per cent interest, and whenever the owners and proprietors of any such lands and premises, so taken as aforesaid, in whose favor such sum or sums shall be reported for compensation, shall be under age, non compos mentis, feme covert, or

absent from the city of New Orleans, and also in all cases where the name or names of the owner or owners, or persons interested in said lands, and entitled to compensation as aforesaid, shall not be set forth or mentioned in said report, or when the said owners, parties, or persons respectively, being named therein, cannot, upon enquiry, be found, the said sums of money shall remain funded in the hands of the said corporation, bearing an interest of six per cent until the same is claimed by the persons having a right thereto; or under a decree of a court of competent jurisdiction, at the costs of the party claiming the same, and such sum or sums may be paid to any married woman on the decree of a court of justice.

62. In their said estimate and assessment, the said commissioners shall charge and assess all sums of money which said mayor and municipal council shall pay and expend, or be liable and bound to pay or expend for the cessions by agreement, or on account of estimates of compensation and recompense, and the charges and expenses of the estimate, assessment and report, and all other expenses, disbursements and charges, which may take place in consequence of the provisions of law, or which may probably be incurred by reason of making said improvement, and said sum of money, so estimated and assessed as the probable cost and expense of making such improvement, shall be borne, reimbursed and paid, together with six per cent. interest thereon from thirty days after the day of confirmation of said report, to the mayor and municipal council of said city, by the parties and persons entitled as owners or otherwise to the lands and premises deemed by the commissioners to be benefitted thereby, and the sums so assessed shall be a lien on the lands and premises, into whose soever hands they may pass, as a mortgage; Provided that the same shall be duly recorded in the office of the recorder of mortgages. Provided further, that the recorder shall not be entitled to demand more than fifty cents for recording each of such mortgages, and the like sum for raising and annulling the same. And the owners of said property shall also be liable in a personal action for the same; and the personal action and action to enforce the privilege may be cumulated, and in default of payment of the same, or if the owners of the lots and premises so assessed, be not known or cannot be found, the said corporation may, by resolution, direct orders of seizure and sale to be sued out of the court by which said assessment was confirmed, against the property so assessed as aforesaid; and said court shall, on a proper petition being presented for that purpose, order such orders of seizure and sale to issue; and the property so assessed and ordered to be seized shall be sold according to law, rendering the overplus, if any there be, after deducting all costs and charges, to the person entitled to the same; and if such persons are unknown or do not reside in the city of New Orleans, or its limits aforesaid, such surplus shall remain in the hands of said corporation, and may be demanded by the persons entitled thereto.

How payments
to be made by
those who are
benefitted by open-
ing streets, &c.
1832.
136. 7

Damages to be
paid in thirty days
after confirmation
of the report.

To operate as a
privilege when re-
corded and fees of
Recorder.

63. If the commissioners shall deem the improvement so to be made, not only a local improvement, but also tending to the salubrity, beauty, benefit or improvement of the whole city, it shall be

Assessments,
how made, where
damage or benefit
may result to the
city.

1837.
138. 8

the duty of said commissioners to assess any part of the assessment for said improvement, to the said mayor and city council, as they shall deem just and equitable; and when any lands of said mayor and city council, or wherein they may be interested, shall be required for any of the purposes aforesaid, or shall be benefited by any such improvements as hereinbefore mentioned, said commissioners shall assess the damage and benefits, in like manner as if said lands had been the property of individuals, or other corporations, and said mayor and council shall be charged, or shall receive, as the case may be; and in all cases when parts of lots not required for the purpose of the improvement, shall pass to and vest in said corporation, at such price or estimate as the commissioners shall have affixed to the same, the said corporation may dispose of the same as they see fit.

How commis-
sioners are to act
in case of any va-
cancy among them.

1842.
138. 9

64. In case of the death, resignation, or refusal to act of any such commissioner of estimate and assessment, to be appointed by virtue of the foregoing sections, it shall be the duty of the court on the application of the mayor and council of the municipality, to appoint a disinterested person, being a citizen of the United States, in place of such commissioner, and any two surviving or acting commissioners shall have full power to proceed in the execution of the duties of their appointment, until a successor be appointed, and in every case it shall be competent for any two of said commissioners to proceed and execute the trusts and duties of their appointment; and the acts, decisions and proceedings of the major part of said commissioners shall be as valid and binding as if all had concurred and joined therein, and each of said commissioners shall be entitled to receive the sum of not more than five dollars for each day they shall be respectively employed in the duties of their appointment, over and above clerk hire and other actual expenses: Provided, that in no case shall the compensation to be granted to the three commissioners exceed four hundred and fifty dollars, the same to be paid by the mayor and municipal council on a detailed account of said expenses.

SEWERS, DRAINS, BRIDGES, &C.

Duty of the may-
or and city coun-
cils.

1805.
18. 16.

Mode of opening
streets.

65. It shall be lawful for the said mayor and municipal councils to cause the common sewers, drains, canals, pavements and bridges to be built and constructed in every part of the said city, and to order and direct the pitching, filling, opening, widening and continuing any of the streets thereof; and if for such purpose, the ground of any person or body corporate is necessary to be had, the said city council shall endeavor to purchase the same at a reasonable price.

FOR THE PREVENTION OF OVERFLOWS.

Powers granted
to the city of New
Orleans to protect
itself against inun-
dations.

1850.
18. 1

66. The several municipalities of the city of New Orleans be, and the same are hereby empowered and authorized to erect, consolidate and enlarge, at their own expense, such levees as they may deem expedient for the protection of the city of New Orleans, or any part thereof, against crevasses and overflows, and that for such purposes said municipalities are invested with full powers, and are further authorized, in case of emergency, to cut all streets and public squares within their respective limits, that may be necessary to effect the object herein contemplated, and to

intersect the same by means of canals, levees, or other works, and as long as they may deem it expedient and necessary.

67. Any person cutting, altering or breaking without authority or aiding and abetting any person in the act of cutting, altering or breaking, without proper authority such levees, canals or other works, shall, on conviction, be condemned to suffer imprisonment, for a term not exceeding ten years nor less than one year.

Penalty for breaking or altering such works as may be made under this act.
1850.
98. 2

FIRE DISTRICTS.

68. The mayor and municipal councils respectively of New Orleans, shall have power and authority to make and pass such by-laws and ordinances as they shall deem proper, to prevent any person or persons from reconstructing in wood, old and decayed wooden houses, under the pretence of repairing the same, in those parts of the city where it is lawful to build only with bricks and stones; Provided, that this section shall not be interpreted so as to authorize the councils of the municipalities of New Orleans to make or pass laws or ordinances to prevent any person or persons from tiling wooden houses or covering them with materials of the same kind, or repairing the same when such repairs shall be necessary to the preservation of said houses, or to render them tenantable: said councils shall only have the power of preventing the rebuilding of such wooden houses, which shall have been destroyed by any event whatsoever, or which shall have become untenable from age or decay.

No wooden buildings to be reconstructed.
1821.
94. 1

Certain repairs on wooden houses authorized.
1842.
178. 1

POWDER MAGAZINE.

69. The powder magazine belonging to the city of New Orleans shall belong in common to the three municipalities, and shall be administered by the general council, who shall have authority to cause such alterations or repairs to be made thereto from time to time as they may deem necessary, and to appoint a keeper thereof, who shall give bond with security, in the sum of ten thousand dollars, and that all sums arising from the storage of powder in said magazine shall be equally divided (after deducting all necessary expenses) between the three municipalities.

Powder magazine to belong in common.
How administered.

Keeper to give bond.
Proceeds, how divided.
1840.
50. 3

All gunpowder not belonging to the United States of America shall be deposited in said magazine, whether such powder has been manufactured in this State or imported from any other State or foreign country.

All gunpowder but that of the U. S., to be deposited therein.
1818.
194. 1

70. As soon as a quantity of powder, greater than one hundred pounds, shall be imported into this State, it shall be the duty of the owner or consignee of the vessel or craft on board of which the same shall have been imported, to cause such powder to be immediately removed to the aforesaid magazine, agreeably to the regulations which the general council of New Orleans may enact on that subject, and the said removal shall take place within three days from the arrival of the powder in the port of New Orleans, under a penalty of a fine of twenty dollars for every hundred weight of powder imported as aforesaid, which fine may be recovered before any court of competent jurisdiction, one half by the general council for the benefit of the three municipalities, and the other half for the use of the informer.

The owner or consignee of any vessel, &c., on board of which powder has been imported, bound to cause the same to be removed to powder magazine, when the quantity is greater than 100 lbs.
1818.
196. 2

71. The general council of New Orleans shall have a right to demand and receive from the owners of such powder or their

Charges for keeping powder in magazine.

1818.
196. 3
1829
18. 1
General Council
to adopt necessary
measures.
1818.
196. 4

agents, the sum of fifty cents per month for every hundred weight of powder deposited in the magazine, and the said powder shall be drawn from said magazine, agreeably to such regulations as the general council may pass on the subject. The general council of New Orleans shall adopt the necessary measures to secure and keep said powder in the aforesaid store.

BATTURE.

For the laying
off of the batture
1850
197. 2 and 3

72. The council of Municipality No. Two is authorized and directed to cause to be laid off two streets between New Levee street and the Mississippi river, extending from Montgomery's property down to Common street, as represented on a plan drawn by George T. Dunbar, surveyor of said Municipality No. Two, in the year eighteen hundred and forty-six, and approved by the said council: the batture or space of ground adjoining the Mississippi river to be thus laid off fronting said river, shall be left open, and so kept for the accommodation of the public, and the convenience of commerce.

For the sale of
the batture.
1850
198 4

73. In the event of an agreement between the original parties to the compromise between the mayor, aldermen and inhabitants of the city of New Orleans, and Edward Livingston and others, before Hughes Lavergne, notary public, on the twentieth of September, eighteen hundred and twenty, for the sale of the said batture, it shall be the duty of said council of Municipality No. Two, to lay off into lots, all that portion of the said batture, not reserved in the foregoing section for streets, and the accommodation of the public and convenience of commerce, and dispose of the same according to the terms and conditions of said agreement: Provided, that in the aforesaid agreement a provision is made, that one-third of the net proceeds of the sale of the aforesaid lots shall be appropriated to the liquidation of the debts or liabilities of the general sinking fund of the city of New Orleans.

One-third of the
proceeds to go to
the general sinking
fund.

PORT

Limits of the
port defined.
1834.
106.
1821.
36. 1

74. The port of New Orleans shall extend from the lower line of the parish of Jefferson and three miles down the river Mississippi on the left side of said river from the centre of the square of the city, including the whole width of the said river between those points.

Police power
over the port.
1820.
70. 11

75. The mayor and city council of New Orleans shall have power to make such by-laws and ordinances as they may deem necessary, for the purpose of regulating the police, and maintaining the public peace on board of ships, steamboats, and other vessels, moored, anchored or navigating on the Mississippi, within the limits of the city of New Orleans; provided said by-laws and ordinances be not contrary to the constitution and laws of the United States, and to the constitution and laws of the State. It shall be incompetent to the mayor and city council of the city of New Orleans, or to either of the municipalities of said city, to enact, or to enforce or execute, any law, ordinance, or regulation now enacted, whereby any tax, duty, impost or charge of any nature whatsoever shall be or is imposed upon goods, produce, wares and merchandize, of whatsoever kind or nature, landed in, or shipped from, the corporate limits of said city. Nothing in this section shall be so construed as to interfere with any

Restriction.
1843.
55. 1

inspection or health laws which the said city of New Orleans may by law be authorized to enact.

1843.
55. 2

76. Jurisdiction is hereby given to the justices of the peace for the city of New Orleans, and the officers of the police of the city of New Orleans, within the port of New Orleans, in every respect equal in extent to that which they enjoy by law within the city of New Orleans; provided that nothing in this section shall be so construed as to oblige the corporation of New Orleans to make or keep in repairs any wharves, or to repair and make any other levees but those they now keep in repair.

Justices of the peace and police officers to have jurisdiction over the port.

1821.
36. 2

77. All vessels arriving in the port of New Orleans from sea, shall be considered as having first moored within that municipality wherein they shall first have commenced discharging their cargoes or shall have remained forty-eight hours; and the removal of any such vessels, steam boats, or other crafts from one part of the port to another shall only be made in conformity to the ordinances that are now or may hereafter be passed by the General Council; and the wharfage shall be divided between the municipalities according to the ratio fixed by said ordinances.

Vessels arriving in New Orleans, considered as arriving in the Municipality where they first discharge, &c.

1840.
49. 1
Removals, how made.

FERRIES.

78. The city council of each municipality of the city of New Orleans shall have power to establish as many ferries across the Mississippi river as the convenience of the people may make necessary; and to regulate the same.

Ferries
1836
35. 18

LICENSES TO DRAYS, &c.

79. The revenue derived from the tax on drays, carriages, hacks and other vehicles, shall be collected in the municipality wherein the bearer of the license resides, and shall be granted only by that municipality; but the whole amount received by the three municipalities from these sources of revenue shall be equitably divided between them in May of each year, according to the relative value of the estate within each municipality respectively, as ascertained by the last state of assessment at the time of such division.

Revenue from the tax on drays, carriages, &c.
1836
37. 22

80. All persons who may obtain licenses from the city of Lafayette, to run carts, drays, carriages and other vehicles, shall have the right, under said licenses, to run said vehicles within the limits of the municipalities of New Orleans, respectively, without paying tax therefor to said municipalities; and that all persons having obtained licenses from any of the said municipalities to run the aforesaid vehicles, shall have a similar right to run the same within the limits of the city of Lafayette: Provided, that the said municipalities and the said city of Lafayette respectively shall not issue any license for the aforesaid purpose to any person other than a bona fide actual inhabitant of the municipality or city issuing said license; and provided also, that the several persons running said vehicles shall in all other respects be amenable to the performance of the obligations, and be liable to the fines and penalties imposed by the ordinances of the said municipalities and city of Lafayette respectively, for violation of said ordinances: Provided, that no licenses shall be granted to drays, carriages, and other vehicles, in the city of Lafayette, at a less price than would be paid for the same license in

The issuing of licenses, how regulated

1844
74.

Provided.

the city of New Orleans; and that the said vehicles, when employed in the city of New Orleans, shall be governed by the rules and regulations that are in force in New Orleans, except the payment of a license to any of the municipalities of New Orleans.

Persons liable to be sued in the city courts of New Orleans.

1834
33. 4

81. Any person or persons residing in the city of Lafayette, who within the limits of the city of New Orleans shall infringe the police ordinances of said city of New Orleans, or carry or cause to be carried on any kind of traffic or other branch of industry taxed by the ordinances of said city, or shall drive or cause to be driven any dray or cart for money, shall be subject to be sued in the city of New Orleans; and any judgment so obtained against said person or persons, shall be executed in either of said cities without distinction.

TAXES.

Powers of taxation defined and regulated in the three municipalities of the city of New Orleans.

1847
140. 1

To be uniform.

1834
136. 1

82. Taxation within each municipality shall be equal and uniform. After the year one thousand eight hundred and forty-seven, property on which taxes may be levied in each municipality, shall be taxed in proportion to its value. No one species of property shall be taxed higher than any other species of property of equal value, on which taxes shall be levied; provided that nothing in this section shall be so construed as to impair any of the powers vested in the general council of the city of New Orleans. All vehicles that transiently pass through the city of New Orleans, are exempted from taxation.

Councils empowered to appoint assessors.

1834
138. 4

83. The city councils respectively are hereby empowered, if they shall deem proper to do so, to appoint annually, and at the periods at which the assessors of State taxes are annually appointed according to law, such number of assessors of the taxes of said city as they shall deem proper, who, after having been duly sworn by the said mayor, shall make out an accurate and minute list of the amount of the city tax: Provided, however, that any sums of money that may be allowed said assessors as a compensation for their services, shall be paid out of the treasuries of the said municipalities respectively, and that the State treasury shall in no manner be liable for the same.

Compensation.

Duties and powers of Assessors.

1834.
138. 5

84. Said assessors of the city taxes thus appointed, shall exercise in whatever relates to their duties, the same powers as are by law vested in the assessors of State taxes, and in default of payment of the said taxes, within the period which shall be prescribed by the city councils respectively, the said municipalities are authorized to bring suit before any court of competent jurisdiction, against all who are in default for said taxes, together with eight per cent. interest on the amount thereof, from the day on which the same fell due, or ought to have been paid: Provided, however, that whenever the said taxes shall be due by persons who do not reside in the city of New Orleans, or who are not known therein, the said municipalities shall obtain an order from any competent tribunal, to have the property subject to said taxes seized and sold for the payment thereof, after due notice of their intention to do so shall have been inserted in the official gazette of the State during ten days, and in the English and French languages, giving to said advertisement only three insertions in said paper and at the expense of the persons owing said

Suits against absentees or persons unknown.

Notice.
1843.
34. 1.

tax; Provided also, however, that nothing contained in this section shall be so interpreted as to give the right to the mayor and city councils to tax any property not within the incorporated limits of the city.

85. It shall be the duty of the collector of the taxes, imposed according to law by the city councils of New Orleans respectively, to notify all persons who shall have a tax to pay to any of the municipalities of the city of New Orleans, of the day on which said tax shall become due, and of the place where he shall keep his office, by notices inserted during two months previous to said day, in a newspaper published as the law for advertisements requires, and it shall be the duty of every person owing a tax as aforesaid, to pay the same or cause it to be paid at the office of said collector; and in default of payment the said taxes may be sued for before any competent court in behalf of the municipality to which the same may be due, agreeably to the rules and by-laws which the said municipality may make for that purpose. It shall be the duty of the above mentioned collector of taxes to cause a list of all the arrear taxes to be inserted in the official Gazette of the State, and to invite at the same time all persons owing said taxes to pay the same, or cause them to be paid at his office, within sixty days following the publication of said list, and at the expiration of that delay, and in default of payment the same may be sued for in the manner prescribed in the preceding section.

86. The property of the Female Orphan Asylum, of the Poydras Asylum of the New Orleans Catholic Association for the relief of male Orphans, of the Mylne Asylum, and the property of all other charitable institutions are exempted from any taxation by the city of New Orleans or the several municipalities thereof.

87. The council of each municipality shall every year, and before imposing any tax, fix and determine by ordinance a division line between the rural and urban parts of each municipality, in conformity with the provisions of this act.

88. By urban part is meant that portion of territory within the general limits of the said municipalities, which is not only divided in streets, but in which the public works, and certain other acts of municipal government exclusively concerning that portion, are executed by the municipalities at public expense.

By rural part is meant all that territory in the said municipalities, divided or not divided in streets, cultivated or waste, which is not embraced within the above described limits.

When the neglect of any proprietor in the rural parts shall make it necessary for the municipality to execute therein, such public works as are to be made by and at the cost of said proprietor by virtue of any laws or ordinances, then and in that case, the municipality shall have the right to recover, before any competent tribunal, in addition to the expenses thereby incurred, twenty-five per cent on the amount of said expenses, with preference and privilege upon the property.

89. The rural parts of said municipalities shall not be made to contribute by taxation to the payment of expenditures incurred for the exclusive benefit of the urban parts.

Limitation.

Taxes, how recovered.

1821.
96.6
1843.
34.1

1850.
187.

1826.
165.1

1821.
98.7
Arreared taxes
advertised in
newspapers.
1826.
166.

Charitable institutions exempted
from taxation.
1850.
193.

Rural and urban
parts of the three
municipalities of
New Orleans.
1850.
129, 1 & 2

Urban parts defined.
1850.
129. 2

Rural parts defined.
1850.
130. 3

Manner of proceeding against
proprietors in the
rural parts.
1850.
130. 4

Certain exemption granted to the
rural parts.
1850.
130. 5

Duty of councils
of the three muni-
cipalities before
deciding on the
amount of taxes to
be assessed.

1850.
130. 6

90. The council of each municipality, before they shall fix and decide on the amount of taxes to be assessed for the urban and rural parts of such municipality, shall cause to be made out a budget or estimate exhibiting the various items of expenditures, including also the necessary amount for contingent expenses, required to be incurred by the municipality during the current year for the urban part, and another budget or estimate exhibiting the various items of expenditures, including also the necessary amount for contingent expenses, to be incurred by the municipality during the current year for the rural part; these budgets or estimates shall be published in French and English in the official paper of said municipality during at least thirty days before the meeting, when the council shall fix and decide on the amount of taxes to be assessed, and such rate of taxation shall then be fixed and assessed respectively for the urban and rural parts, as may be necessary to supply any deficiency in the treasury for meeting the amount of said estimates.

Preliminary pro-
ceeding before im-
posing any addition-
al tax.

1850.
130. 7

91. Whenever from some extraordinary cause, an additional tax may become necessary in the course of the current year, such additional tax shall not be lawful unless first sanctioned by a majority of the legal voters residing within the municipality voting on such tax, within their respective wards, after ten days notice by the council, and such vote shall be taken in the same manner, during the same hours, and under the superintendence of inspectors and clerks, as in the case of an election of mayor and aldermen.

Authority to im-
pose certain special
taxes.

1850
130. 8

92. The councils of said municipalities shall have the right of laying special taxes for local improvements, where the owners of property thereby benefitted are liable to be specially taxed conformably with existing laws, for the whole or a portion of the expense incurred for such objects. And whenever it shall be deemed necessary to make a new paving on any street or foot-way already paved, the owners of property fronting said street or foot-way shall also be liable to be specially taxed in the proportions established by existing laws: Provided, a fair and adequate allowance be first made in their favor for the value of the materials of the old paving.

Majority requi-
red to impose a tax

1850
130. 9

93. A vote of two-thirds of the members elect of the council of each municipality shall always be necessary and indispensable to impose a tax.

DEBTS, BONDS, AND SINKING FUND. [*]

Restrictions as
to the power of
contracting debts.

1847.
140: 2.

94. On the fourth of May, eighteen hundred and forty-seven, it was enacted, that it shall not be lawful for any of the municipalities of the city of New-Orleans to emit bills of credit, promissory notes, or paper currency of any description, or create any debt or obligation of any kind, beyond the revenue of the municipality, to loan the credit of said municipality, appropriate money for other than municipal purposes, subscribe to the stock of any individual, association or corporation whatever, to borrow money to an

[*] NOTE BY COMMISSIONERS—The subjects of Debts, Bonds and Sinking Fund we have partially compiled, because they were not susceptible of being digested. It will be understood that subsequent laws repeal those of prior date which are inconsistent with them.

amount exceeding one hundred thousand dollars, except as provided for in this act, unless the ordinance for that purpose be first passed by the vote of two thirds of the members of the Council, and approved by the majority of the voters of said municipality voting for or against it, at the next general municipal election.

95. That each municipality of the city of New-Orleans be, and is hereby authorized to fund all or any portion of its existing debts, to borrow money for the purpose of paying its existing debts, and to that amount, by issuing bonds therefor, payable at a period not exceeding thirty years, and bearing interest not exceeding seven per cent per annum, payable semi-annually, which bonds shall not be disposed of at less than par.

The municipal authorities authorized to issue certain bonds for the payment of their existing debts.

1847.
140 ; 3.

96. To secure the redemption and punctual payment of all bonds so issued on their maturity, as well as all other bonds of said municipalities now existing, and for the payment of which provision has not been made by law, each of said municipalities shall annually in the month of January, specially appropriate and set apart from the revenue arising from wharfage and the markets a per centage upon the amount so bonded, which would extinguish said amount at its maturity ; and it shall not be lawful for the Municipal Council to proceed to any other business until such appropriation is made, which appropriation shall constitute a sinking fund, and be specially pledged for the payment of such bonds, and shall not be liable for any other and future obligations of the municipality to which said fund may belong, nor shall such be liable to seizure for any debts other than those for the extinguishment of which it is established.

Mode of securing the payment of the bonds of the municipalities.

1847.
140 ; 4.

97. The sinking fund authorized by the preceding section to be established by the municipalities, shall be deposited in the Bank of Louisiana, and shall only be applied in the following manner :

Application of the sinking fund, to be established by the municipalities.

1847.
141 ; 5.

First. To the extinguishment of any of the bonds of that municipality, for the payment of which the fund is established ;

Secondly. In purchasing before maturity any such obligations, in which case at least sixty days' notice shall be given in one or more newspapers published in the city of New Orleans, of the amount of money in the sinking fund that can be applied to the payment of the debt ; and those bonds which may be offered at the greatest discount, and which fall due within the shortest periods, shall be preferred, and shall be purchased by the money in said sinking fund.

98. It shall not be lawful to employ any money which may be borrowed under the preceding ninety fifth section, otherwise than to extinguish the existing debts of the municipality ; and all officers or persons whatsoever, participating, aiding or assisting in such improper appropriation, shall be deemed guilty of embezzlement, and each be subject to a fine not exceeding one thousand dollars, and imprisonment not exceeding one year.

Penalty for misemploying the money borrowed under the foregoing section.

1847.
141 ; 6.

99. It shall be the duty of the respective councils of the municipalities to carry into effect the foregoing provisions of law, and of the treasurer thereof to deposit in the Bank of Louisiana annually, and as fast as received, the amount herein provided by the preceding ninety sixth section ; and the amount so deposited shall

Duties of the respective councils of the three municipalities, of their treasurers, mayor, comptrollers and recorders.

1847.
141 ; 7.

The Municipal
councils authorized
to make certain in-
vestments.

1847.
142 ; 11.

be placed to the credit of the sinking fund of the municipality depositing the same, and no portion thereof shall ever be drawn therefrom, except for the purpose aforesaid, and unless authorized by the council, and then only upon a check signed jointly by the treasurer and comptroller, and countersigned by the recorder of the municipality to which said fund belongs, and by the mayor of the city of New-Orleans. The Council of each municipality, with the consent of the State treasurer, shall have the right to invest any money in its sinking fund established under this law, in the purchase of any of the bonds or interest coupons, for the payment of which said sinking fund was established ; and also may, with the consent of said treasurer, discount with such surplus monies, notes receivable, belonging to the treasury of such municipality, at a rate of discount not less than eight per cent per annum, and in no other manner shall such funds be used.

Act of 4th of May 1842.

Bonds of the
State authorized to
be issued by the
Governor and State
Treasurer to each
of the municipali-
ties.

1839.
92. 1

100. On the eighteenth day of March, eighteen hundred and thirty-nine, it was enacted, that the Governor and Treasurer of the State be, and they are hereby authorized to issue to each of the municipalities of the city of New Orleans, any time within two years from the day when this act shall become a law, an amount of bonds of the State, bearing five per cent. per annum interest, payable semi-annually, the principal payable thirty years from their date ; say not exceeding six hundred thousand dollars to the Municipality No. 1 ; five hundred thousand dollars to the Municipality No. 2 ; three hundred thousand dollars to the Municipality No. 3 ; said bonds to be in the usual form and in conformity with the provisions of this act, and which said bonds shall not be disposed of so as to nett less than their par value in current money of the United States.

Treasurer au-
thorized to deliver
bonds of the State
to the municipali-
ties.

1839
94. 2.

Bonds of the mu-
nicipality to be de-
livered to the State
Treasurer.

101. The Treasurer is hereby authorized to deliver to the municipalities respectively the amount of bonds they may demand within the two years aforesaid, not exceeding the amounts limited to each by the preceding section, on the delivery to him of an equal amount in the bond or bonds of the municipality demanding the same, bearing an annual interest of six per cent. payable semi-annually at said treasurer's office, the principal payable in twenty-five years from the date.

Duty of Councils
to authorize the is-
sue of bonds, and
to establish sinking
fund.

1839.
44. 3

102. Previous to making any such exchange of bonds, with either of said municipalities, it shall be the duty of their councils respectively to authorize the issue of the bonds to be given to the State, and also by ordinance to establish each a sinking fund, which shall consist of an annual deposit in either the Union bank, the Citizens' Bank, or such other banks as the legislature may from time to time designate, of a portion of the revenue arising from levee dues or wharfage, in each municipality, and sufficient at the maturity of the bonds to extinguish them, and, in case that be insufficient, of the tax on real estate in such municipality, or so much thereof as may be sufficient for that purpose ; the banks in which said deposits shall be made being required to allow interest at the rate of five per cent. per annum on all balances to the credit of the said sinking fund.

Banks required
to allow interest on
deposits.

(On the fourth day of May, eighteen hundred and forty-seven,

It was enacted that the council of Municipality No. Two shall with the consent of the state Treasurer, be authorized to remove from the Union Bank of Louisiana, the monies there deposited by said municipality as a sinking fund, under the provisions of the preceding section, and use the same in the purchase of the obligations referred to in the ninety-seventh section of this chapter.)

In case either of the municipalities shall not demand the whole amount of bonds authorised to be issued to it by this act, viz: of 18th of March, 1839, within two years, then the annual payment to its sinking fund by such municipality shall be in proportion to the amount of bonds issued thereto.

NOTE.—(The fifth section of this act, viz: 1839, was superseded by the eleventh section of the act of May fourth, eighteen hundred and forty-seven, and the sixth section of this act was superseded by the same act.)

103. The bonds of the State authorized to be emitted by this act, (viz: 18th of March, 1839) shall be made in favor of the municipality to which they may be issued; they shall be transferable by endorsement, and shall have the interest coupons annexed, which the Treasurer of the State shall stamp with the initials of his name; and the municipality receiving said bonds shall allow and pay to said treasurer, twenty-five cents per bond as compensation for signing the same. The bonds shall be each for four hundred and eighty dollars—one hundred pounds sterling—two thousand five hundred and fifty francs, and twelve hundred guilders, to wit: four hundred and eighty dollars the principal and interest, being payable in lawful money of the United States, at the treasurer's office; one hundred pounds sterling if payable in London; two thousand five hundred and fifty francs if payable in Paris, and twelve hundred guilders if payable in Amsterdam—the coupons to correspond: it being well understood that all charges, expenses and loss, by difference of exchange, resulting from the payment of the interest and principal elsewhere than at the treasurer's office, shall be wholly sustained and paid by the municipality in whose favor the bonds may be issued; each municipality is hereby authorized to fix the place of payment of interest and principal of said bonds by its endorsement.

104. That the bonds of the municipalities, received by the treasurer in exchange for those of the State, may be in such sums as said treasurer may require; but not for less than twenty-five thousand dollars each.

105. It shall be the duty of the councils to transmit to the Legislature, on the second Monday in January of each year, a detailed statement of the condition of the sinking fund established under this act; and it shall be the duty of the mayor of New Orleans to examine and certify such statements, previous to transmitting them.

Act of 18th of March, 1839.

106. On the fourth day of May, eighteen hundred and forty-seven, it was enacted, that it shall be the duty of the State Treasurer to enforce a strict compliance on the part of the municipalities with the law of the eighteenth of March, one thousand eight hundred and thirty-nine, and in case of failure on the part of either of the municipalities to meet regularly the interest on said bonds,

Municipality No. Two authorized to remove certain funds from the Union Bank of La.
1847
142. 12

1839
94. 4

Supersedures.

1847
142. 11
Consti Art. 119.
1847
140. 2

Bonds transferable by endorsement

1849
96. 7
Coupons stamped by Treasurer.

Compensation to Treasurer.
Amount of bonds.

Bonds, how and where payable.

Proviso.

Difference of exchange payable by Municipality.

Amount of bonds of each municipality.

1839
98. 8

Duty of Councils.

1839.
98. 9

Duties of the State Treasurer with regard to the enforcement of this act.

1847.
142. 13.

Municipalities released from the payment of a certain interest.

On what conditions.

the treasurer is hereby authorized, on the warrant of the Auditor of public accounts, to pay the same out of any money in the treasury not otherwise appropriated, and to enforce the collection of the same by the most summary process; and each of said municipalities shall be released from the payment of one per cent. per annum for difference of interest required by the said act of the eighteenth of March, one thousand eight hundred and thirty-nine; Provided that said municipality shall, from and after the first day of January next, comply strictly with the provisions of said act.

Act of 4th May, 1847.

GENERAL SINKING FUND.

Real property of the Corporation of New Orleans and the revenues arising therefrom.
1836.
34. 15

Quota of the general debt to be paid by each separate municipality.

General sinking fund.

Comptroller thereof.

Instalment due growing out of the former debt of the city.

Bank stock and stocks of other companies now belonging to the city of New Orleans.

107. On the eighth of March, eighteen hundred and thirty-six, it was enacted, that all the real property of whatever kind or description, and the revenues arising therefrom, now vested in the mayor, aldermen and inhabitants of New Orleans, shall be vested in the respective municipalities in which the same is situated; that the quota of the general debt to be paid by each separate municipality shall be apportioned on the basis of the amount of taxes and other revenues accruing to each corporate section aforesaid. Further, that in the month of May of each year it shall be the duty of the general council of the city to decree the amount of the per centage on said revenues of each corporate section, which shall be set apart and paid into a general sinking fund, for the purpose of paying the debt of the former corporation and the interest thereon, which general sinking fund shall be under the control and management of the Mayor and of the Board of six commissioners composed of two members from each separate council, who shall select them by ballot once in every year. That said commissioners may discount in said sinking fund notes in the portfolio of the several corporate municipalities or of individuals, to the amount in cash therein deposited; and further, that every year a proper person shall be appointed by the commissioners to keep the books and accounts of said sinking fund, under the title of comptroller, who shall receive a salary to be fixed by the general council, and shall keep his office in the principal. Further, that the mayor of the city, whenever he shall have been notified that an instalment is due, growing out of the former debt of the city, he shall be bound immediately to notify thereof the commissioners of the sinking fund aforesaid, and draw upon said fund for the amount of said instalment or debt whatsoever, and in case of a deficit of funds in cash or of disposable paper in said fund, then and in that case only he shall be bound to issue the notes of the city at no longer period than one year, signed by him and by a majority of said commissioners, which notes shall be discounted in some of the banks of the city where a credit is allowed by law to the city and the proceeds thereof applied immediately by the mayor or by the comptroller of the sinking fund to the payment of said instalment or debt of the former corporation. Further, that the whole of the bank stock and stocks of other companies now belonging to the city of New Orleans, shall remain deposited in the sinking fund aforesaid, and the dividends thereon applied to the payment of the debt of the former corporation,

until the general council shall have otherwise ordained. Further, that all monies, notes, credits and accounts in the possession of the corporation of New Orleans, in the hands of the Treasurer of said city or of any of its collectors or accountants shall, immediately after this bill shall have gone into operation, be applied by the mayor and commissioners of the sinking fund:

Monies, notes, credits and accounts, in the possession of the corporation of New Orleans, how to be applied.

First. To the payment of the current and approved debt and expenditures of the former corporation.

Second. To the payment for the present year only, of the quota decreed by the council of the former corporation to be annually deposited in their general sinking fund; And

Third. That the remaining notes, accounts, titles, monies and credits aforesaid, arising from branches of revenues originating within the limits of one municipality, or from property situated in same municipality, shall be delivered to the Treasurer thereof by the mayor, after a proper apportionment on said basis, decreed by a majority of the commissioners of the sinking fund aforesaid. And provided further, that the portion of the paving now due by individuals to the city of New Orleans, shall be paid into the sinking fund aforesaid.

Paving now due by individuals, to be paid into the sinking fund.

108. No part of the real estate now belonging to the corporation of New Orleans and its faubourgs, may or can be sold by either of the municipalities for an amount above twenty thousand dollars, nor leased for a term exceeding one year, except it shall have been first sanctioned by two thirds of the general council, and that it be done at public auction.

Real estate belonging to the corporation of New Orleans, how may be sold or leased by either of the municipalities.

1836.

35. 16

109. All credits opened to the corporation by legislative enactments in any of the banks of the city, shall be apportioned equally among the three municipalities. Act March 8th, 1836.

Credits opened to the corporation by law in any bank, how apportioned. 1836.

35. 17

110. On the seventeenth of February, eighteen hundred and twenty-one, it was enacted that the mayor and city councils respectively shall have power, whenever they deem it expedient, to cause to be sold on perpetual ground rent, such part of the landed property of the corporation as they shall think fit, with express stipulation that the purchaser shall never thereafter have liberty to redeem the said ground rent, by paying the capital thereof, any law to the contrary notwithstanding; Provided, however, that no such sale take place on the part of the corporation, unless the three-fourths of the members elected to the city council shall consent thereto, and that their votes be ascertained by yeas and nays on the journal. Act of February 17th, 1821.

Perpetual ground rent permitted in certain cases. 1821.

94. 4

111. On the eleventh of March, eighteen hundred and thirty-six, it was enacted that the monies arising from the sale of the lots in front of the city proper, comprised between Canal and Esplanade streets and the front street of the city and the river, and which lots have been sold, pending the litigation relative to the title thereto, between the United States, and the mayor, aldermen and inhabitants of the city of New Orleans, and which proceeds remain now deposited in the district court of the United States for the Eastern District of Louisiana, the nett amount thereof, deducting all costs and charges, shall, in case of judgment being rendered against the title of the United States thereto,

Monies, notes, credits and accounts in the possession of the corporation of New Orleans, how to be applied.

Money arising from the sale of the lots in front of the city proper &c. 1836.

38. 1

Interest thereof, how to be applied. be and form a part of the general sinking fund, and the interest thereof be applied in the same manner as the other funds of said sinking fund, for the payment of said debt.

Authorization given to the mayor and commissioners of the General Sinking Fund to effect certain sales of property.

1847.

141. 8

112. On the fourth of May, eighteen hundred and forty-seven, it was enacted, that the mayor and commissioners of the general sinking fund, representing the mayor, aldermen, and inhabitants of the city of New Orleans, a corporation established by law, be, and they hereby authorized and empowered to sell, if by them deemed expedient, any and all property, whether real or personal, except the monies, notes and bonds mentioned in the first section of the preceding act of March the eleventh, eighteen hundred and thirty-six, belonging to the said corporation, in such manner and upon such terms and conditions as they may deem most advisable for the purpose of liquidating the affairs of said corporation.

Further powers given to the mayor and commissioners concerning the extinguishment of the bonds of the city.

1847.

142. 9

113. That the said mayor and commissioners be, and they are hereby authorized and empowered to invest and employ the monies, notes, bonds, or other evidences of debt which may, at any time, be in said sinking fund, in the purchase or extinguishment of the bonds or coupons issued by said corporation.

Manner of employing the surplus fund in the Commercial Bank of New Orleans.

1847.

142. 10.

114. That the said mayor and commissioners be, and they are hereby authorized to invest or employ the surplus which stands to the credit of said corporation in the Commercial Bank of New Orleans, in the purchase or extinguishment of the bonds and interest coupons issued by said corporation, for the payment of which said surplus was set apart and established as a sinking fund.

Act of May 4th, 1847.

Election of a board of liquidators.

1850.

169. 1

Qualifications of said liquidators.

1850.

169. 2

115. On the twentieth of March 1850, it was enacted that the qualified voters of each of the municipalities of the city of New Orleans shall, at the next municipal election to be holden in said city, elect two competent persons, residing in and freeholders of said city of New Orleans, and every two years thereafter, neither of whom shall be a member or officer of either of the municipal councils, or of the general council of said city, who, together with the mayor, shall constitute a board for the liquidation of the debts of the city of New Orleans, and of the separate municipalities, of which board the said mayor shall be an ex-officio president.

Secretary of the board. His salary and duties.

116. That the said board of liquidators shall take the oath prescribed by article eighty-ninth of the constitution, and shall have the power of appointing a secretary, with a salary not exceeding two thousand dollars a year, to be paid out of the funds received by them, in the manner hereinafter prescribed, whose duty it shall be to keep a correct record of all the proceedings of the said board, and to do and perform such other acts as may be required of him, to carry out the provisions of this act.

Meetings of the board.

1850.

170. 3

117. The members of said board shall meet at such place as the mayor shall designate, on the first Monday of May next, and from time to time thereafter, as the members of the said board may determine, and shall proceed to ascertain the indebtedness of every kind of the city of New Orleans, prior to the passage of an act, entitled "An act to amend the act entitled an act to incorporate the city of New Orleans," approved February seventeenth eighteen hundred and five, and other acts amending the same, approved March eighth, eighteen hundred and thirty six; and the

indebtedness of each of the municipalities of New Orleans, contracted since the passage of said act, and for that purpose shall have the power to examine under oath in writing or otherwise, the treasurers and comptrollers of said municipalities, the commissioners, treasurers and comptrollers of the general sinking fund and of any other sinking fund, of any one of the municipalities or any other person. They shall further have the power to call for and examine all books, papers, and writings of every kind whatever, in order to ascertain the precise amount and condition of the debts of New Orleans and of the several municipalities thereof, and of the means set apart by law, and at present held for the payment of the said debts.

Powers and duties of said liquidators.

113. So soon as the indebtedness of every kind of said city of New Orleans and of the several municipalities thereof, shall have been ascertained, the said board shall proceed to divide the debt of the said city, contracted previous to the passage of the aforesaid act of March eighth, eighteen hundred and thirty-six, between the several municipalities of the said city, in proportion to the assessed value of real property within said municipalities respectively, as the said value is fixed by the State assessment rolls, for the year eighteen hundred and forty-nine. The amount thus apportioned to each municipality shall constitute the separate debt of each municipality, and shall, when added to the separate debts contracted by each municipality, since the passage of the aforesaid act of March eighth, eighteen hundred and thirty-six, be known and denominated as the debts of municipality number one, number two, number three, respectively.

Division of the debt of the city of New Orleans.
1850.
170. 4

119. The said board shall immediately thereafter publish a statement of the debts of each municipality as fixed according to the foregoing section with the time when the same falls due, and the interest stipulated thereon, and they shall at the same time issue proposals by advertisements, to be published during three months in newspapers printed in New Orleans, Washington city, Philadelphia, Boston and New York city, to all holders of the bonds and obligations of the city of New Orleans, and of the several municipalities thereof, to exchange said bonds and obligations, for bonds to be issued by them, according to the provisions of the succeeding section.

What statement and proposals are to be published by the liquidators.
1850.
170. 5

120. The said board are hereby authorized to issue bonds in the name of each of the said municipalities, bearing the same rate of interest, the said interest payable semi-annually, which the bonds for the city of New Orleans, and the bonds and obligations of each of the municipalities thereof now bear, in sums of not less than five hundred dollars payable at periods of from one to twenty-five years, making the bonds bearing the greatest interest, payable in the shortest time, and making the series of each year, equal to one twenty-fifth of the principal of the debt of each municipality as determined by the fourth section of this act, which said bonds shall be given in exchange for the debt of the city of New Orleans and for debts of the municipalities thereof, in proportion to the indebtedness of the municipalities as above determined, and the principal and interest of said bonds shall be paid as provided for in the following section.

What bonds are to be issued by said liquidators.
1850.
170. 6

Powers and duties of liquidators in relation to the sinking funds.
1850.
171. 7

Yearly tax to be levied by the liquidators.

Collection and application of the above tax.

New bonds of the State.
1850.
171. 8

Duties of the liquidators in case the holders of bonds of the city should refuse to novate the same.
1850.
172. 9

121. The said board of Liquidators, and their successors in office, shall take possession of the assets of the general sinking fund of the city of New Orleans, and of the several sinking funds established by law, in the respective municipalities; they shall immediately proceed to dispose of and realize the value of the assets belonging to said general sinking fund, with the exception of the stock of the Commercial Bank and Water Works of New Orleans, the possession and ownership of which is hereby transferred to the General Council of New Orleans, for the benefit and use of the city of New Orleans, and they shall apportion the proceeds arising from said assets, to the extinguishment of the principal and interest of the debts of said municipalities as heretofore determined, in proportion to the value of real estate in each municipality, according to the State assessment roll of eighteen hundred and forty-nine, and they shall likewise dispose of, realize the value of the assets of the sinking fund of each of said municipalities, and appropriate the proceeds thereof, to the extinguishment of the principal and interest of the debts of the municipalities to which said sinking funds belong respectively, and the said sinking funds shall thereupon be, and remain forever abolished, and for the balance of said debts, over and beyond the proceeds of the said sinking funds, the liquidators, hereinbefore elected, shall levy a yearly tax in each of the municipalities of the city of New Orleans, on the value of all moveable and immoveable property, and capital employed in trade, according to the assessment rolls annually made by the authority of the State, of a sufficient amount to pay the principal and interest falling due, of the bonds issued in accordance with the preceding section; which said tax shall be collected by the collectors appointed by the respective municipalities, and shall be paid to the treasurers of said municipalities, who are hereby required to deposit the same immediately in such bank as may be designated by the board of liquidators, to the order of said board; and the amount of tax thus received, shall be immediately applied by the said board of liquidators to the extinguishment of the principal and interest falling due, of the bonds hereinbefore authorized to be issued, the amount collected in each municipality being applied to the payment of the principal and interest of the bonds of that municipality exclusively.

122. The governor of the State be, and he is hereby authorized to give, in exchange for the outstanding bonds issued by the State, to and for the city and separate municipalities, new bonds to an amount equal to the amount of the said bonds.

123. In case any of the holders of the bonds and evidences of debt of the city of New Orleans, or of the three municipalities thereof, should refuse to exchange the said bonds and evidences of debt for the new bonds to be issued in conformity with this act, the Board of Liquidators shall continue to raise, in the manner provided for in the seventh section of this act, such sums as shall be necessary to extinguish annually one twenty-fifth part of the said bonds and evidences of debt, and to pay the interest, as hereinbefore directed, accruing upon the said bonds and evidences of debt, and after paying such bonds as may have been issued.

ed according to the sixth section of this act, with the interest on the remainder, the said Board of Liquidators shall thereupon issue proposals, which shall be published in one newspaper in each of the municipalities of New Orleans, in Washington city, in Philadelphia, and in the cities of New York and Boston, for the redemption of the bonds and evidences of debt before mentioned, to the amount of such sum as they may have on hand, and they shall redeem to the extent of the funds in their hands, such bonds and evidences of debt as are offered at the lowest prices.

124. The treasurers of the said municipalities shall, out of the taxes collected for the year eighteen hundred and fifty, deposit in such bank as the liquidators may direct, a sum sufficient to pay the interest and principal of the permanent debts of said municipalities, accruing during the year eighteen hundred and fifty, and such sums as may be necessary to pay the *pro rata* of such municipality, to the extinguishment of the principal and interest of the debt of the city of New Orleans, contracted previous to the eighth of March, eighteen hundred and thirty-six, and thereafter the councils of said municipalities shall levy no tax for the payment of the principal or interest of the debt of the city of New Orleans, nor of the debts of the municipalities thereof.

Duties of the treasurers of the three municipalities,
1850
172. 10

Tax to be levied by the three municipal councils.

125. It shall be the duty of the secretary of the said board of liquidators, whenever a vacancy shall occur in said board, by the death, resignation, or refusal to attend during three consecutive meetings, of any member of the board, to give notice thereof, in writing, to the council of the municipality for which such member was elected, which shall, immediately upon the receipt of said notice, proceed to fill said vacancy.

Vacancies, how provided for.
1850
172. 11

126. The assets of the sinking fund shall be sold only after thirty days advertisement, in one newspaper, published in each of the municipalities of New Orleans, which advertisements shall contain a full description of the property, of its situation, etc.; and if notes and mortgaged securities, the advertisements shall make mention of the drawers and endorsers, and describe the property by which the payment of the same is secured.

Selling the assets of the sinking fund
1850
172. 12

127. That it shall not be lawful for any one of the said liquidators directly or indirectly, to purchase and buy any part or portion of the assets of the general sinking fund or of the sinking funds of any one of the municipalities, advertised and sold by them in conformity with section seventh of this act, neither shall it be lawful for them to sell, buy, or in any other way deal in the bonds of the said municipalities, which may become due, during the time for which they were elected; any one of the said liquidators, who shall knowingly violate the provisions of this act, shall upon conviction pay a fine not exceeding five thousand dollars, and suffer imprisonment not exceeding two years.

Restriction imposed on the liquidators.
1850.
172. 13

Penalty for their violating any provision of this act.

128. The secretary of the said board of liquidators shall keep a full and faithful record of the proceedings of the said board, and shall publish them after every meeting of the said board, in one newspaper published in each of the municipalities of New Orleans. He shall also keep, in a separate book, a correct account of the bonds issued, and of the time they become due, of the amounts received by taxation, and the number of the said bonds

Duties of the secretary of the board of liquidators
1850.
173. 14

Bond to be given
by him.

extinguished every year, and shall publish the same in one newspaper in each of the municipalities of New Orleans, at least once a year. He shall give bond and security for the sum of twenty thousand dollars, in two good and solvent sureties, for the faithful performance of his duties, which bond shall be approved by the general council of the said city of New Orleans.

Act of 20th March, 1850.

EXEMPTION OF OFFICERS FROM JURY.

Officers of the city
exempted from
jury duty.

1834.
146. 9.

129. All persons attached to the city guard of any of the municipalities of New-Orleans, as likewise the treasurers and comptrollers, and all clerks employed in the different offices of the corporations, and those who are charged with the superintendence of the slaves and convicts sentenced to hard labor, the keepers of the city prisons, the workmen employed at the city works, and the city commissaries, are hereby exempted from serving on juries, whether in civil or criminal cases.

CATHOLIC GRAVE YARD.

The corporation
of New Orleans
authorized to make
a certain donation
to the Catholic
Church.

1823.
70; 1.

No burial to take
place in the pre-
sent grave yard af-
ter a certain time.

1823
72; 2.

130. On the twenty second of March, eighteen hundred and twenty three, it was enacted, that the Mayor, aldermen and inhabitants of the city of New Orleans be and they are hereby authorized to grant by way of donation to the corporation of the Catholic Church of St Louis of New-Orleans, certain lots of ground described in the resolution of the City Council, dated the third of August, eighteen hundred and twenty two, and being a part of the commons of said city, in order there to lay out a new grave yard. That from and after the first of June next, it shall no longer be permitted to bury the dead in the present catholic grave yard, under the penalty of a fine of five hundred dollars for each and every contravention, which fine shall be recovered on information of the attorney general before any court of competent jurisdiction, one half thereof for the benefit of the informer and the other half for the benefit of the charity hospital of New Orleans. Provided that the present grave yards shall never be destroyed nor shall at any time soever be alienated or put to any other use: provided moreover, that it shall be lawful for the Mayor of the city of New-Orleans, whenever he shall think it compatible with the healthiness of said city to permit the opening of any family tomb, actually situated in the present grave yard, in order to deposit therein the body of any member of the same family.

Corporation of
the Church of St.
Louis authorized to
dispose of vacant
lots.

1848
47.

131. On the twentieth of December, eighteen hundred and forty-eight, it was enacted, that the corporation of the Catholic Church of New-Orleans have authority to dispose of the vacant lots in the old catholic grave yard, comprised between Trémé, Conti, Basin and Saint Louis streets, for the purpose of building new tombs or vaults for the dead.

(NOTE BY COMMISSIONERS—It was considered most expedient to compile the two foregoing laws.)

MAYOR.

Seal of the Mayor-
alty.

1805.³
60; 11.

132. The Mayor shall have a seal, to be called the seal of the mayoralty of the said city; which shall be affixed to all proper official acts of the corporation; he shall license all taverns and boarding houses, hackney coaches or other carriages for the

conveyance of persons for hire, and all carts and drays for the carriage of goods or other articles for hire, subject, however, to such restrictions as may be imposed upon him by legal ordinances. And he shall be entitled to receive for every warrant by him issued to any officer, and for every license by him granted, the sum of two dollars and a half, and also shall receive such additional recompense for his services as the City Council shall direct. The Mayor and recorder for the said city for the time being, shall be ex-officio justices of the peace. The said Mayor shall superintend the police of the said city and make regulations for the watchmen and city guard; he shall take care that the laws of the said corporation be duly executed; he shall call meetings of the Council whenever the affairs of the city shall require it; and no order or resolution of the City Council for the disposal of any public property, or the payment of any monies, shall have any force if the same be objected to within five days after the passing thereof, by the mayor, unless two thirds of the said Council agree to pass the same, notwithstanding such objections; and for that purpose all such resolutions shall be sent by the said Council to the Mayor, immediately after the same shall be passed.

133. It shall be lawful for the Mayor and the recorders of the municipalities of New-Orleans to try, as justices of the peace, all offences that may be committed against the ordinances and regulations enacted by the City Councils within the limits of their respective jurisdictions, even should the corporation of New-Orleans be interested for the whole amount or part of the fines, attached to said offences: Provided however, that the Mayor and the Recorders respectively shall have the same power, in cases where the fines are established by some law of the Legislature, enacted on police matters of a general or particular nature, such as the statute on the weights and measures to be used in this State.

134. When part of the fines imposed, as mentioned in the previous section shall belong to the informer, the demand or suit shall be made for the whole of said fine at the request of the informer; and it shall be the duty of the Mayor and recorders who shall pronounce the fine, to withhold the portion accruing to the corporation, and to pay the same into the hands of the treasurer of the municipality where the fine was incurred; when the whole of the fine shall belong to the corporation, the prosecution shall be made by the treasurer in the name of said corporation and for their use.

135. In order to enable the Mayor and recorders of New-Orleans, the more effectually to fulfil the foregoing provisions of law, the Governor shall be, and is hereby authorized, by and with the advice and consent of the Senate, to give to the officers above mentioned a commission of justice of the peace, for and during the time they shall fill the duties of Mayor and recorder.

136. It shall be the duty of the Mayor of New-Orleans, at least twice in every month, to visit each section of the city and faubourgs within the incorporated limits, accompanied by the alderman of the particular section, and see that the police is well administered.

137. The Mayor shall convene the Councils of the municipa-

Powers of the
Mayor.
1836
32. 8

Fees.

Mayor and recorder to be justices of the peace.
Shall superintend the police.

No ordinance to have force without approbation of the Mayor.
1831
96; 1.

What is lawful for the Mayor and the recorders to try.
1820.
22; 1.

When part of a fine shall belong to informer, suit to be instituted in his name. When the whole belongs to corporation, suit to be prosecuted by city treasurer.
1820.
22; 2

Governor authorized to appoint Mayor and Recorders Justices of the peace.
1820.
22; 4.

To visit each section of the city &c.
1820.
66; 1.

Shall convene
Councils when re-
quired.

1820

68; 2.

Mayor may re-
quire from treasur-
ers or comptrollers
statements concern-
ing the finances.

1839.

72, 1.

Officer refusing to
comply, subject to
removal.

lities whenever required to do so, by three aldermen of the said Council.

138. No law or disposition of laws shall be so construed as to deprive the Mayor of the right of requiring from the treasurer or comptroller of any municipality, at any time, any statements concerning the finances, without previously applying to the Council; and any such officer who shall refuse or neglect to comply with the written requisitions of the Mayor to that effect, may be removed from office, and in case of such removal he shall not be reappointed except upon the recommendation of the Mayor who made such removal, or unless said reappointment shall be made by four fifths of the members elect comprising the Council.

Communications
of the mayor to be
recorded.

1839

84; 2.

139. The communications of the Mayor to any of the Councils of the three municipalities shall be recorded in the journal of the Council to which the same are addressed, and shall be published at full length, together with the proceedings of the sitting, unless the Mayor and Council should concur in dispensing with the publication of both or either.

REUNITING THE THREE MUNICIPALITIES.

Payment of
the debts created
by each municipa-
lity, in case of the
reunion of the three
municipalities.

1836

37, 3.

140. Should any future Legislature reunite the three municipalities into one corporation, all the debts created by each of the said municipalities shall first be fully paid and satisfied by each municipality respectively, and such union shall never take place but by the consent of two thirds of all qualified voters residing in said three municipalities, to be ascertained in the manner to be prescribed by the Legislature.

GENERAL COUNCIL.

General Council
to be composed of
twelve members.
How composed.

1840.

52, 11.

141. The general council of the city of New Orleans shall be composed of twelve members, four of whom to be elected by general ticket by the qualified voters of each municipality at the time of the election of the aldermen of said municipalities; and the general council so constituted shall be presided over by one of their members, elected by ballot at each meeting of said council.

Meetings of the
General Council.

1836.

36, 20.

142. On the first Monday in May of each year, and at any time at the request of the mayor, or of two of the councils, there shall be a meeting of the general council in the council chamber of the city proper, when matters of general interest shall be discussed and decided upon.

Powers of the
General Council.

143. The following are declared to be the powers of the city council thus constituted; and all other powers shall be vested in the councils of the separate municipalities.

Wharfage.

First, to fix a uniform rate of wharfage to be paid by ships, steamboats and other crafts mooring in front of all parts of the city.

Drayage.

Second, to fix a uniform rate of drayage, taxes on carriages, hacks and other vehicles, and the rates of ferriage.

Licenses to ped-
lars, hawkers, &c.

1842.

18.

Third, to fix uniform prices for all licenses to pedlars, hawkers, grog shop keepers, taverns, and others, which now are, or hereafter may be, provided by law; and to fix the rate that shall be levied as an annual or other tax or license on and to be paid by all brokers, merchants, traders, wholesale or retail dealers,

hotels, boarding houses, theatres, theatrical, and other like performances, grog shops, bar rooms, cabarets, and all other callings, professions, business, to be collected under the authority of the councils of the different municipalities, on such persons vending within their respective limits, and exercising said callings, professions or business, and whether such persons be permanent or transient residents in the said city of New Orleans.

Fourth, to fix the salaries of the mayor and secretary of the general city council: Provided, that the salary of the mayor shall not be less than five thousand dollars per annum.

Fifth, to make such regulations respecting the management and discipline of the city guard, or watch, as may be necessary.

Sixth, to enact all police regulations of a general nature, the operation of which shall be uniform in all parts of the city. Provided, however, that no appropriation of money can be made by the said city council, and all receipts and expenditures must be under the sole control of the councils of the respective municipalities wherein they originate, or are required to be made. All incidental expenses, such as the salary of the mayor, and secretary of the general council, shall be paid by the municipalities, pro rata with the tax on real estate, within their respective limits.

Seventh, to exercise all powers vested in the city council of New Orleans prior to the eighth of March, eighteen hundred and thirty-six, in relation to the several incorporated companies in this State, in which, by their charters, the said city has a right to act, or be represented.

144. On the 27th of May, eighteen hundred and forty-six, it was enacted, that all laws creating or authorizing a police jury within the boundaries of the three municipalities of the city of New Orleans be, and the same are hereby repealed. That from and after the promulgation of the act, the several officers, the attorney, the collector, and other persons employed by the police jury: the books, papers, vouchers and documents of every description, and all the property, monies, notes, evidences of debts, effects, rights and credits whatever, relative or appertaining in any manner to said police jury, shall be placed under the control and submitted to the regulations of the general council of the city of New Orleans.

145. That the said general council shall collect the taxes levied up to and including those levied for the year one thousand eight hundred and forty-five; and shall collect other debts due to the said police jury; and shall apply the monies so collected to the payment of the debts lawfully incurred by the said police jury, and pay over the balance of said monies to said three municipalities, in proportions to be determined by said general council, and said general council shall receive and pay over to said municipalities the amount to be paid annually by the police jury of the right bank of the river in the parish of Orleans, for their portion of the rents of the several courts, or for other purposes.

146. The general council of New Orleans shall have the right to fix the dimensions of carts employed to carry firewood within the city and incorporated suburbs, and that the said corporation shall have the right of imposing fines upon those who should not

Salaries of the mayor and secretary of General Council, to be fixed by General Council.

1836. 36 20

City guard, or watch.
Police regulations;

Powers in relation to several corporations of this State.

Laws creating a police jury repealed.

1846

104. 1

Officers, papers, &c., of the police jury, submitted to general council.

1846

104. 2

Taxes levied, how disposed of by general council.

1846

104. 3

Vested with power to regulate wood carts.

1816

16.

comply with the regulations they should adopt on that subject ; and the said corporation shall also be authorized to decree under penalty of a fine, that firewood shall only be sold within the said city and incorporated suburbs, by the cord, half cord, and quarter of a cord, and conformably to the measure which the said corporation may adopt.

RECORDER.

Recorder of each
municipality to ex-
ercise the duties of
magistrate, &c.
1836
35. 19

Salary.

Duties of Recor-
ders.
1840
50. 5

Provision in case
of sickness or ab-
sence of Recor-
ders.
1840
71.2

147. The recorder of each of the municipalities shall exercise within the limits of his municipality all the duties as magistrate and conservator of the peace, concurrently with the mayor of the city of New Orleans ; and in case of the death of the mayor, or his inability to perform his duties as chief magistrate of the city, the recorder elected by the middle municipality or city proper, shall act as mayor. It shall be the duty of each of said recorders to keep an office in some convenient place near the council chamber of the municipality by which he is elected, and to keep the same open from nine o'clock, A. M., until two o'clock, P. M., of each day, Sundays excepted. The salaries of the recorders of each municipality shall be fixed by the council thereof ; but shall not exceed three thousand five hundred dollars per annum.

148. It shall be the duty of the recorder of each municipality to keep a well bound book, in which he shall fairly transcribe in their order of date the different criminal cases that may be brought before him, by setting down, first, the title of the case ; second, the nature of the complaints ; third, the names and surnames of the witnesses ; fourth, the date of the warrant and appearance of the accused, as well as all other proceedings had in the case ; fifth, the decision of said recorder. In cases of sickness, or absence by leave of the council, of the recorder of any municipality of the city of New Orleans, the members of the council of the municipality shall have the power to appoint a recorder pro tempore, whose duties shall be the same as those of the recorder.

CORPORATION OF NEW ORLEANS.

Power of suing
and being sued, &c.
1836.
39. 21

Corporation may
hold property out
of its limits.
1840.
50. 4

Commissioners
of sinking fund to
administer and
have right to com-
promise.

149. On the eighth of March, eighteen hundred and thirty-six, it was enacted, that nothing in this act shall be understood to prevent the city of New Orleans, under the present corporate title thereof, (viz: the Mayor, Aldermen and inhabitants of the city of New Orleans,) from suing and being sued, and performing other corporate acts prescribed by law, whenever, and so far only, as such acts may be necessary for the mere purpose of liquidating the unfinished affairs thereof.

150. On the twentieth day of March, eighteen hundred and forty, it was enacted, that whereas, doubts have arisen whether the corporation of New Orleans is capable of holding or possessing any real estate, situated without its limits, the said corporation is hereby declared capable of acquiring, retaining and possessing by donation or legacy, any property, real or personal, whether situated within or without the limits of said city. The commissioners of the general sinking fund shall have full authority to administer all such property, in such manner as they may deem most advantageous ; and shall also have the right to compromise with any person or persons claiming to be interested in any pro-

party given or bequeathed to said corporation, such compromise being approved of by the three municipalities; and the revenues arising from such property and all sums received in virtue of any compromise which may be effected by any person, claiming to be interested therein, shall be deposited in and form a part of the general sinking fund, created by the fifteenth section of the act of the eighth March, eighteen hundred and thirty-six, and by the first section of the act supplementary thereto, approved eleventh March, eighteen hundred and thirty-six, and shall be applied to the same purposes.

151. The corporate name of the city of New Orleans, under the act of seventeenth of February eighteen hundred and five, was "The Mayor, Aldermen and Inhabitants of the City of New Orleans."

Property received
by them, how vest-
ed and applied.

Corporate name in
1805
44, 1

152. On the seventeenth of February, eighteen hundred and five, it was enacted, that the estates, whether real or personal, the rights, dues, debts, claims or property whatsoever, which heretofore belonged to the city of New Orleans, or was held for its use by the cabildo under the spanish government, the municipality after the transfer of the province in the year eighteen hundred and three, to France, or the municipality now existing, which has been legally alienated, or lost, or barred, shall be vested in the said mayor, aldermen and inhabitants, to be enjoyed, received, collected and sued by them and their successors forever.

Titles to the for-
mer city property
confirmed,
1805,
64, 13

153. On the eighth of March, eighteen hundred and thirty-six, it was enacted that each of the municipalities shall possess and exercise within their limits, all such powers, rights and privileges, as are possessed and exercised by the corporation of New Orleans.

Powers, rights
and privileges of the
Municipalities,
1836,
31, 4

(NOTE.—The powers, rights and privileges of the municipalities have been set forth in the previous chapters of this title.)

CIVIL CODE.

ACT OF 31ST MARCH, 1808.

WHEREAS, in the confused state in which the civil laws of this State were plunged by the effects of the changes which happened in its government, it had become indispensable to make known the laws which have been preserved after the abrogation of those which were contrary to the constitution of the United States, or irreconcilable with its principles, and to collect them in a single work, which might serve as a guide for the decision of the Courts and Juries, without recurring to a multiplicity of books, which, being for the most part written in foreign languages, offer in their interpretation inexhaustible sources of litigation:

Preamble.
1808.
120.

1. The work entitled "Digest of the Civil Laws, now in force in the Territory of Orleans, with alterations and amendments adapted to its present system of Government," which work is divided into three books, entitled, "Of persons, of things, and of the different modifications of property, and of the different manners of acquiring the property of things;" and containing, viz:

Digest of the
civil law declared
to be in force.
1808.
121. 1

THE FIRST BOOK, ELEVEN TITLES, ENTITLED:

Preliminary Title Of the general definition of rights, and of the promulgation of the laws.

Title the	I.	Of the distinction of persons, and the privation of certain civil rights in certain cases.
Title the	II.	Of domicile and the manner of changing the same.
Title the	III.	Of absent persons.
Title the	IV.	Of husband and wife.
Title the	V.	Of the separation from bed and board.
Title the	VI.	Of master and servant.
Title the	VII.	Of father and child.
Title the	VIII.	Of minors, and of their tutorship, curatorship, and emancipation.
Title the	IX.	Of persons insane, idiots, and other persons incapable of administering their estate.
Title the	X.	Of communities or corporations.

THE SECOND BOOK, FOUR TITLES, ENTITLED :

Title the	I.	Of things or estates.
Title the	II.	Of absolute ownership.
Title the	III.	Of usufruct, use, and habitation.
Title the	IV.	Of predial services, or services of land.

THE THIRD BOOK, TWENTY-TWO TITLES, ENTITLED :

Preliminary Title.		Of general dispositions.
Title the	I.	Of successions.
Title the	II.	Of donations <i>intervivos</i> and <i>mortis causâ</i> .
Title the	III.	Of contracts and conventional obligations in general.
Title the	IV.	Of engagements formed without agreement, of <i>quasi contracts</i> , and <i>quasi offences</i> .
Title the	V.	Of the marriage contract.
Title the	VI.	Of sale.
Title the	VII.	Of exchange.
Title the	VIII.	Of letting and hiring.
Title the	IX.	Of partnership.
Title the	X.	Of loan.
Title the	XI.	Of deposit and sequestration.
Title the	XII.	Of aleatory contracts.
Title the	XIII.	Of mandate or commission.
Title the	XIV.	Of suretyship.
Title the	XV.	Of transactions.
Title the	XVI.	Of respite.
Title the	XVII.	Of compromises.
Title the	XVIII.	Of pledge.
Title the	XIX.	Of privileges and mortgages.
Title the	XX.	Of occupancy, possession and prescription.
Title the	XXI.	Of the title by judgment of seizure.

Is hereby declared and proclaimed to be in force in this State, and shall therein have full execution.

2. Whatever in the ancient civil laws of this State, or in the

State statutes, is contrary to the dispositions contained in the said digest, or irreconcilable with them, is hereby abrogated.

3. If, in any of the dispositions contained in the said digest, there should be found any obscurity or ambiguity, fault or omission, both the English and French texts shall be consulted, and shall mutually serve to the interpretation of one and the other.

Repealing clause.
1808.
126; 2.
Both texts may be consulted.
1808.
128; 5.

CIVIL CODE OF 1824.

4. The amendments made to the Civil Code of the State, by the Act of April 12, 1824, shall be in force from the day of their promulgation, as hereinafter provided.

Amendments in force from the day of their promulgation.

5. The said Code as amended, shall be printed in the English and French languages, opposite to one another, under the title of "Civil Code of the State of Louisiana", in a neat manner and on fine paper, to the number of two thousand copies, of which eighteen hundred shall be bound in boards or parchment, and two hundred in calf, and the said Code shall be printed in one volume of the same form as the former Code.

1824.
172; 1.
Printing and binding,
1824.
172; 2.

6. When the said civil code shall be printed and received, the promulgation of it shall be made by the secretary of State, by sending a copy thereof to each of the Courts of and within this State, of which transmission the date shall be recorded in the office of the secretary of State, and one month after said transmission the said code shall be deemed promulgated, and shall henceforward be in full force throughout the State.

Promulgation
1824.
176; 7,

7. It shall be the duty of the secretary of State, immediately after the said code shall have been printed and received by the Governor, to distribute it in the following manner, to wit: to each judge in this State, to the attorney general and to each district attorney, to the judge and district attorney of the District Court of the United States for the State of Louisiana, to each of the clerks of said court, to each of the Governors of the several States and territories, to the Supreme Court of the United States, to the President of the United States, and to each member of the present Legislature, one copy bound in calf of said code; to each clerk of the several Courts throughout the State, and to each justice of the peace one copy of said code. Five copies shall be deposited in the secretary of State's office, and the remaining number of copies shall be deposited with the State treasurer, to be by him sold at such price as the Governor and secretary of State may direct.

Distribution.
1824.
176; 8.

8. Whereas, doubts having arisen whether the provisions contained in the former Civil Code, approved on the thirty first day of March, eighteen hundred and eight, which are not reprinted in the new Civil Code of Louisiana, are repealed: All the articles contained in the old Civil Code of this State, approved on the thirty first day of March, eighteen hundred and eight, and all the provisions of the same which are not reprinted in the new Civil Code of Louisiana, published under the authority of this State on the 12th day of April, eighteen hundred and twenty four, the articles are enumerated from one to three thousand five hundred and twenty two, be, and the same are hereby repealed, except so much of title tenth as is embraced in its third chapter, which treats "of the dissolution of communities or corporations."

[Articles of the old Civil Code that are repealed.
1828.
66; 1.

Act of March 25,
1828, abrogating
certain laws.
1828.
160; 25.

9. By the Act of March the twenty-fifth, eighteen hundred and twenty eight, it was enacted, that all the civil laws which were in force before the promulgation of the Civil Code, lately promulgated, be and are hereby abrogated, except so much of the title tenth of the old Civil Code as is embraced in its third chapter, which treats of the dissolution of communities or corporations.

Copies of Code
distributed to she-
riffs.
1826.
62;

10. On the fourth of March, eighteen hundred and twenty six, it was enacted for the distribution of the Civil Code and Code of Practice, that the secretary of State should deliver to each and every sheriff throughout the State, or to their order, one copy of the Civil Code and Code of Practice; and it was made the duty of said sheriffs to deliver over to their successors in office the said copies of said books.

AMENDMENTS TO THE CIVIL CODE.

Art. 341 amen-
ded.
1825.
148; 1.

11. That instead of the highest conventional interest which tutors of minors are by the three hundred and forty first article of the Civil Code, made liable to pay to their pupils on the funds which they have failed to place at interest for their use; the said tutors shall be accountable only for legal; and that when the said Code shall be promulgated, the said article 341st. will not be in force except so far as it is not contrary to this Act.

Article 2410
amended.
1826.
162; 2.

12. Whatever in the article two thousand four hundred and ten of the Civil Code might be in contravention with the article one hundred and twenty five of the same Code, shall be and is hereby repealed, and this last article shall be considered as the one being in force.

Articles 158 and
159 of the Civil
Code repealed, and
article 305 amen-
ded.
1826.
162; 4.

13. The one hundred and fifty eight and one hundred and fifty ninth articles of the Civil Code shall be and are hereby repealed, and the Act of the Legislature, entitled, "an Act for the regulation of the rights and duties of apprentices and indented servants," passed on the twenty first of May, eighteen hundred and six, shall be and is hereby revived in every thing which is not contrary or repugnant to the provisions of the Civil Code, which are not expressly repealed by this Act; and the article three hundred and five of the Civil Code, shall be, and is hereby amended, as follows, to wit: by adding, at the end of the second paragraph of the said article, the following words: "or in a neighboring parish, provided it be not at a distance exceeding thirty miles."

Redhibitory suits
for animals, when
brought.
1828.
160; 22.

14. All suits for the redhibitory defects of animals may be instituted within two months after the date of the sale thereof, any law to the contrary notwithstanding.

Persons interested
against minors, ex-
cluded from family
meetings.
1828.
160; 24.

15. Whenever any person shall have contradictory interests with those of one or more minors in the settlement of an estate, in the partition and sale of an undivided property, or in any business in which a family meeting shall be necessary to pronounce on the interests of minors: it shall not be lawful for such person to be a member of said family meeting, although he be one of the nearest relations.

The interest of a

16. The interest that any witness may have as a member of a corporation, civil or religious, shall not be considered as a suf-

sufficient reason for excluding his testimony in a case in which the said corporation is a party, unless the said witness have in the cause a particular interest, distinct from that which he has in common with the other members of the said corporation; Provided, however, that the interest which the stockholders of any bank, insurance companies, and other monied institutions of that kind, shall be considered as a sufficient reason not to admit the said stockholders as competent witnesses in any case where the said banks and other monied institutions may be parties.

witness in a corporation does not disqualify him from giving testimony.
1828
12.1
Proviso.

17. Whenever a father or mother has appointed a tutor to his or her child, by his last will or testament, the said child shall remain under the authority of the said tutor until he or she arrives at the age of majority, or is emancipated, unless said tutor should be removed from his office for any of the causes mentioned in the three hundred and twenty-third article of the Civil Code.

Tutorship of minors.
1828.
58. 1
357 and 362 Arts.
C. C. repealed in part.

18. Whenever a minor shall arrive at the age of puberty, if he is then under the authority of his father or mother, as his guardians, he shall remain under their said authority until the said minor arrives at the age of majority, or is emancipated; unless his guardian, if he be his father, should have been removed from his office for any of the causes mentioned in the three hundred and twenty-sixth article of the said Code; or, if his mother be his guardian, unless she has contracted a second marriage, in which case a tutor shall be appointed to the said minor, unless the judge had authorized the mother to retain her guardianship since the said marriage, by and with the advice of the family meeting of the said minor.

Tutorship to last until majority of the minor
1828
58. 2

357 and 362 Arts.
C. C. repealed in part.

1830
48. 9

19. In case of any adjudication made under the 338th article of the Civil Code, or any other law authorizing similar adjudications, a special mortgage may be given by the father or mother on real property not slaves, to secure the rights of the minors, and such special mortgage shall have the effect of annulling the mortgage arising from such adjudication.

Art. 338 amended.
1830
46. 2

20. So much of the three hundred and fifty-seventh, and three hundred and sixty-second articles of the Civil Code as is contrary to the provisions of the two preceding sections, be repealed.

Repealing clause.
1828
58. 3

21. The recorder of mortgages for the parish of Orleans, together with the other officers fulfilling the duties of recorder of mortgages in their respective parishes, shall not be bound to keep any other separate register, besides the several registers mentioned in the article three thousand three hundred and fifty-one of the Civil Code, which it is made their duty to keep, except that mentioned in the first paragraph of the article three thousand three hundred and fifty-four of the Civil Code; and that the second paragraph of the said article three thousand three hundred and fifty-four be and is hereby repealed: Provided, that it shall be the duty of the said recorder of mortgages for the parish of Orleans, as well as of the several parish recorders in their respective parishes, always to keep open to the inspection of every person who may wish to examine the same, during the regular office hours, the three registers mentioned in the article three thousand three hundred and fifty-one of the Civil Code.

Art 3354 of the Civil Code amended.
1826
162. 1

22. That article three thousand three hundred and thirty-three

Art. 3333 of the
Civil Code amend-
ed.

1842
232. 1

of the Civil Code of Louisiana be, and the same is hereby so amended, that the rule requiring the reinscription of mortgages, at the expiration of ten years from the date of their registry, shall not apply to the mortgages which have been or may be given by the stockholders of the various property banks of this State.

Construction to
be placed on arti-
cles 101 and 102 of
the Civil Code.

1842
204. 1

23. The articles of the Civil Code 101, 102, shall be so construed that any priest or minister of a religious sect, domiciliated within the State of Louisiana, shall have the right of celebrating marriages in any one of the parishes of this State, and it shall no longer be required that the said priest or minister of a religious sect shall reside in the parish where he celebrates or performs the marriage ceremony.

Art. 3333 of the
Civil Code further
amended.

1843
52. 1

24. That article three thousand three hundred and thirty-three of the Civil Code be so amended that it shall be the duty of the recorder of mortgages and of recorders of parishes, to cancel and erase, on the single application in writing to that effect, by the owner, creditor of the owner, or other party interested, all inscriptions of mortgages which have existed, or may exist, on their record for a period exceeding ten years, without a renewal of such inscription: Provided, however, that this section shall not apply to mortgages against husbands for the dotal and other claims, of their wives, to mortgages against tutors and curators, in favor of minors, interdicted or absent persons, nor to such mortgages in favor of property banks.

Article 3053 of
the Civil Code a-
mended.

1843.
57. 1

Partitions.

1843
44. 1

25. The article three thousand and fifty three of the Louisiana Code shall be so amended that the opinion of the majority of the creditors, in number and amount, shall prevail.

26. Whenever two or more persons shall be co-proprietors of one continuous tract of land, situated partly in different parishes, any one or more of said co-proprietors may institute an action for partition of the whole of said tract in any one of such parishes.

Partitions in case
of mortgages, &c.

1843
44. 2

Proviso.

27. All judicial partitions where the property is divided in kind, the mortgages, liens and privileges existing against one of the co-proprietors shall, by the mere fact of the partition, attach to the share allotted to him by the partition, and cease to attach to the shares allotted to his co-proprietors: Provided, however, that if any return of money be required, to be made to any co-proprietor whose share is mortgaged or otherwise encumbered, by reason of the share allotted to him being of less value than the other shares, then such sums of money shall remain in the hands of the parties bound to contribute it respectively, shall be secured by mortgage on their respective shares, and be subject to the demand of those creditors of their co-proprietors who possessed mortgage or privileged claims against him, and according to the rank and priority of said creditors.

Amendment to
the Article 1145 of
the Civil Code con-
cerning curators.

1847.
115. 1

28. The article of the Civil Code eleven hundred and forty-five, that reads as follows, viz: "The Curator who only wishes to be absent for a time, ought not to lose his curatorship on that account; provided he leave with some person residing in the place where the succession is opened, his general and special power of attorney, to represent him in all acts of his administra-

tion as curator, and deposit an authentic copy of this power of attorney, before his departure, in the office of the judge who has appointed him," be so amended as to read thus: Curators, administrators, tutors and testamentary executors, who only wish to be absent for a time, ought not to lose their administration of said successions on that account; provided they leave with some person residing in the parish, or in any adjoining parish, where the succession is opened, a general and special power of attorney to represent them in all the acts of their administration as curator, administrator, tutor and testamentary executor, and deposit an authentic copy of the power of attorney before his departure, in the office of the Recorder of Mortgages in and for the parish where said succession has been opened, which power of attorney shall be duly registered.

29. In all cases hereafter, when either husband or wife shall die, leaving no ascendants or descendants, and without having disposed by last will and testament of his or her share in the community property, such share shall be held by the survivor in *usufruct* during his or her natural life.

Survivor to hold
community proper-
ty in case of death.
1844
19. 1

30. In all cases when the pre-deceased husband or wife shall have left issue of the marriage with the survivor, and shall not have disposed, by last will and testament, of his or her share in the community property, the survivor shall hold in *usufruct*, during his or her natural life, so much of the share of the deceased in said community proper as may be inherited by such issue: Provided, however, that such *usufruct* shall cease whenever the survivor shall enter into a second marriage.

Disposition in
cases of issue of
the marriage.
1844.
99. 2

31. The article two thousand three hundred and four of the Civil Code be and it is hereby so amended as to make the English of said article correspond with the French, and so as to make co-trespassers liable in *solido*.

Proviso.

Article 2304 of
the Civil Code a-
mended.
1843.
14. 1

32. That the article two thousand eight hundred and ninety-five of the Civil Code of Louisiana be so amended that the amount of conventional interest shall in no case exceed eight per centum, under pain of forfeiture of the entire interest so contracted.

Amount of con-
ventional interest.
1844.
15. 1

33. If any person shall pay on any contract a higher rate of interest than the above, as discount or otherwise, the same may be sued for and recovered within twelve months from the time of such payment.

Penalty.
1844
15. 2.

34. That article three thousand one hundred and eighty-four of the Civil Code be so amended as to insert in the first paragraph, after the word "overseer," the following words: "and debts due for necessary supplies furnished to any farm or plantation."

Article 3184 of
the Civil Code a-
mended.
1843.
44. 1

35. That the privilege of the overseer, as granted in said article three thousand one hundred and eighty four, shall be superior in rank to that of the furnisher of supplies, as granted by the previous section.

Privilege of
Overseer.
1843.
44. 2

36. That hereafter no Notary, parish Judge, or Register of Mortgages, in making a certificate of mortgage, shall mention in his certificate the fact of registration of the bond of any administrator, curator of vacant succession, or of absent heirs, the pro-

Bonds to be
mentioned in No-
tary's certificate.
1834.
113. 5

per construction of the article one thousand one hundred and twenty four of the Civil Code not giving to such bonds when registered the force of a mortgage.

Article 3214, of
the Civil Code
amended.
1811.
21. 1
55. 1

37. That article three thousand two hundred and fourteen, of the civil code be so amended that every consignee, commission agent or factor, shall have privilege preferred to any attaching creditor on the goods consigned to him for any balance due to him, whether specially advanced on said goods or not, provided they have been received by him, or invoice or bill of lading has been received by him previous to the attachment. Provided, that the privilege established by this act shall not have a preference over a privilege pre-existing on the goods aforesaid in behalf of a resident creditor of this State.

Small succe-
ssions, how to be
administered and
disposed of
1838.
5. 1

38. That the article eleven hundred and seventy eight of the civil code of the State of Louisiana, be so amended, that whenever satisfactory proof shall have been made to any Judge, that a succession is so small or is so much in debt, that no person will apply for, or be willing to accept the curatorship, on complying with the existing laws on this subject, the judge of the court where such succession is opened shall have the power without any previous notice or advertisement to confer the curatorship of such succession on such person as he may think proper. That the curator so appointed shall cause the effects of said succession to be sold, and the proceeds to be applied to the payment of the debts of the deceased, the whole to be done in as summary a manner as possible, to diminish costs, and under the immediate direction of the Judge; such curator to be allowed a reasonable compensation for his services; and shall not be compelled to furnish bond and security, except in cases where the judge shall deem it necessary; and that in all cases the judge shall fix the compensation of the curator, and the amount of security, when he requires it: Provided, that this law shall not apply to successions amounting to upwards of five hundred dollars.

Prescription laws.
Absentees and
non-residents are
put on the same
footing with resi-
dents.

1818,
60. 1

Except with re-
gard to prescrip-
tion of one year or
less.

Articles 1139
and 1784 of Civil
Code amended.
1840.
123. 1.

39. That the laws of prescription now existing, whereby absentees and non-residents of the State, are entitled to longer periods than persons present or residents in the State, before prescription can be acquired against them, be, and the same are, hereby abolished; and hereafter absentees and non-residents of the State are to stand on the same footing, in relation to the laws of prescription, as persons present or residents of the State; Provided, that this act shall not apply to any prescription of one year or less.

40. Nothing contained in articles eleven hundred and thirty-nine and seventeen hundred and eighty four of the civil code, or in any other articles of the civil code or code of Practice, shall be so construed as to prevent any executor, executrix, administrator or administratrix, curator or curatrix of vacant successions, from purchasing at the sale of the effects of the deceased, whose estate they may respectively represent when the said executor or executrix, administrator or administratrix, curator or curatrix is the surviving partner in community or an heir or legatee of the said deceased; and all purchases so made shall be considered as valid and binding as though the same had been made by any disinterested third party or parties.

41. All purchases which shall have been made before the twenty-eighth of March, one thousand eight hundred and forty, at the sale of the effects of the succession of any deceased person, by the executor, executrix, administrator or administratrix, curator or curatrix of said deceased's estate, when the said executor, executrix, administrator or administratrix, curator or curatrix shall have been the surviving partner in community, heir or legatee of the said deceased, shall be considered as valid and binding as though the same had been made by any person or persons legally capable of contracting; Provided, however, that any person or persons who shall wish to avail themselves of any informality in said sale or sales, by reason of the incompetency or legal disability, resulting from the incapacity as aforesaid of the person or persons having purchased so to purchase, shall be allowed to institute action to set aside said sale or sales, by reason of said incompetency or legal disability as aforesaid, resulting from the incapacity of the person or persons purchasing so to purchase, within two years from the above date.

Purchases heretofore made by executors or administrators, &c. in certain cases valid.
1840.
123. 2

Proviso.

42. That no exception shall lie against the validity of titles to property, real or personal, so acquired, as mentioned in the aforesaid section, on any of the grounds heretofore enumerated, unless it shall appear to the court before whom said exception is pleaded, that a suit or suits have been instituted to set the same aside within two years after the 28th of March, 1840.

Prescription to objections to titles because purchased by executors, &c.
1840.
124. 3.

43. That the provisions of the two preceding sections shall apply and have full force against minors, interdicted persons and married women, saving to them their recourse against their tutors, curators or other legal representatives, should they be able to make it appear that they have suffered any loss or damage.

The above two sections to apply to minors, married women and interdicted persons.
1840.
124. 4

44. Whenever the curator or attorney in fact of an absentee shall apply to the Court of Probates, by a petition made under oath to the best of his knowledge and belief setting forth that the absentee has not been heard from for the space of ten years, and that he has no heirs known to him residing in the State; or when such facts relative to any absentee shall be known to the Judge of the Court of Probates, or due and satisfactory proofs of the facts aforesaid shall be made to him by any other person than the curator or attorney in fact; it shall be his duty in all such cases to order the sale of the property of such absentee in the same manner, on the same conditions, and the funds to be paid into the State Treasury in the same manner as in cases of vacant successions; Provided, that in every case when the curator of the absentee shall have been appointed and shall remain in the performance of his duty, it shall not be necessary to appoint a curator, but the curator of the absentee shall act as such.

Proceedings in case of absenteeism of ten years.
1840.
124. 6

Proviso.

45. That so much of the article two hundred and seventeen of the civil code, as abolishes all other modes of legitimation except that by marriage, be and the same is hereby repealed; and that law seventh, title fifteenth, of the fourth partidas, which was repealed by said article of the code, be and the same is hereby revived and that natural fathers and mothers shall have the power to legitimate their natural children, by acts declaratory of their intention, made before a notary and two witnesses: Provided,

Natural children how legitimated.
1831.
86. 1

that nothing herein contained shall be so construed as to enable a white parent to legitimate a colored child, nor to prevent a free person of color to legitimate his colored children: Provided, the natural children are the issue of parents who might, at the time of conception, have contracted marriage; and provided, that there do not exist, on the parent legitimating his natural offspring, ascendants or legitimate descendants.

Article 3319 of
the Civil Code, re-
pealed.

1837.

88. 2

Priest from a
neighboring par-
ish applied to in
certain cases.

1826.

16. 1

Repealing clause.

1826.

26. 2

Amendment of
Art. 1739.

1850.

228.

Art. 1109 of the
Civil Code render-
ed inoperative in
the parish of Ver-
million.

1850.

246. 1

46. That the article three thousand three hundred and nine-
teen of the civil code be, and the same is hereby repealed.

47. If there be no priest or minister of a religious sect domicilia-
ted in any one of the parishes of this State, the Judge of that par-
ish, if required by either of the parties, is authorized to send to any
priest or minister residing in a neighboring parish, a commission
to come and celebrate marriages in the parish in which said judge
has his jurisdiction.

48. All acts or parts of acts, contrary to the provisions of the
foregoing section, are hereby repealed.

49. That article of the civil code one thousand seven hundred
and thirty-nine which reads thus: "One of the married couple
may either by marriage contract or during the marriage in case
of his or her leaving no children nor legitimate descendants, give
to the other in full property all that he or she might give to a
stranger. And in case the donor leaves children or legitimate
descendants, he can give to the other, either a tenth part in full
property, or the usufruct only of one fifth part of all his proper-
ty," be altered and amended so as to read as follows: "Either of
the married couple may either by the marriage contract or during
the marriage give to the other in full property all that he or she
might give to a stranger."

50. That article eleven hundred and nine of the Louisiana Civil
Code, which reads thus: "Besides these advertisements, notice must
be inserted in English and French, to wit: For New Orleans and
places not more than one hundred miles distance therefrom, in
two newspapers published there, and for places beyond that dis-
tance, in the newspaper, if any there be, which is published at a
distance not exceeding fifty miles, from the place where the judge
who has given the order, holds his session," be and the same is
hereafter rendered inoperative in the parish of Vermillion.

CODE OF PRACTICE.

Code of Practice.

1824

178, 9

1. On the twelfth of April, eighteen hundred and twenty-four,
it was enacted, that the Code of Practice, which the Legislature
has adopted and passed, this session, under the title of "Code of
Practice in Civil Cases for the State of Louisiana," shall be
printed in the same number of copies, and shall be promulgated
and distributed in the same manner and at the same time as the
Civil Code.

Its provisions to
prevail.

1824

178. 10

2. And in case the said Code of Practice should contain any
provisions contrary or repugnant to those of the Civil Code, the
latter shall be considered as virtually repealed or thereby amended
in that respect.

3. That the Code of Practice, such as it has been sent to the

several courts of this State in the year eighteen hundred and twenty-five, shall be considered as having full force of law, though its provisions are not preceded by those usual words, "be it enacted," and it had been omitted to mention, at the end of said code, the names of the President of the Senate, the Speaker of the House of Representatives, and of the Governor who signed the same, and of the date when the said code was approved.

Code of Practice
declared to have
force of law.
1828
160. 26

4. That all the rules of proceedings which existed in this State before the promulgation of the Code of Practice, except those relative to juries, recusation of judges and other officers and of witnesses, and with respect to the competency of the latter, be and are hereby abrogated.

Repeal of former
rules of proceeding
and former laws.
1828
160. 25

AMENDMENTS TO THE CODE OF PRACTICE.

5. That article one hundred and five be amended so as to make the English correspond with the French text, by inserting after the words "bed and board," the words:—or for the separation of property.

Art. 105 of the
Code of Practice
amended.
1826
166. 1

6. That number five of article one hundred and sixty five be, and the said is hereby repealed, and that suits for the recovery of the debts therein mentioned, may be brought before any court of competent jurisdiction. That so much of article one hundred and seventy-five as requires the original of an act or note under private signature to be annexed to the petition, be repealed; provided that if the defendant pray a view or oyer of the document declared upon, the court shall order the same to be filed within a reasonable delay, and in default of the plaintiff's complying with said order, his petition shall be dismissed.

No. 5 of Art. 165
repealed, and Art.
175 amended.
1826
168. 2

7. That the English text of article one hundred and seventy-nine be so amended as to correspond with the French, and that it shall not be necessary to serve a citation and petition in the French as well as English language, except when the mother tongue of the defendant is French.

Art. 179 amend
ed.
1826
168. 3

8. That so much of article two hundred and eleven as goes to exempt from arrest emancipated minors for debts legally contracted by them after emancipation, be repealed.

Art. 211 amend-
ed.
1826
168. 4

9. That the oath required by articles two hundred and sixteen and two hundred and seventeen shall be taken before any judge or justice of the peace, or clerks of courts, and that all oaths required to be taken in case of the arrest of the debtor, or in order to obtain the orders of attachment, provisional seizure, sequestration of the debtor's property or injunction shall be administered by the persons above mentioned.

Articles 216 and
217 amended.
1826
168. 5

10. That the time given by article two hundred and twenty-seven shall be twenty instead of ten days for excepting to the sureties taken by the sheriff, and that out of the first judicial district, instead of moving for a rule of court, the plaintiff may make his exceptions before the judge in chambers.

Art. 227 amend-
ed.
1826
168. 6

11. That articles two hundred and forty-two, two hundred and forty-three, and two hundred and forty-four, of the said Code, be so amended, that in cases where the debt or obligation is not yet due, it shall be lawful for any judge of competent jurisdiction to order a writ of attachment to issue, whenever the said

Articles 242, 243
and 244 amended.
1826
170. 7

judge shall be satisfied by the oath of the creditor or his agent, of the existence of said debt; and upon the said creditor or his agent taking the oath to either of the requisites in numbers one, two and three, of article two hundred and forty, and complies with article two hundred and forty-four, and moreover swears that said debtor is about to remove his property out of the State before said debt becomes due, that it shall be sufficient for the oath required to be taken by the agent to be to the best of his knowledge and belief; and that it shall be deemed sufficient for the creditor in order to obtain an attachment, to make the oath required to be taken by him in conformity to any of the requisites of numbers one, two and three of article two hundred and forty.

Garnishee to be held to bail in certain cases.

1826
170. 8

12. In case a garnishee acknowledges himself indebted to the defendant, it shall be lawful for the judge to order the said garnishee to be held to bail in the same cases as if he was the original defendant, unless he prefers depositing the money in court.

Article 274 and 275 amended.
1826
170. 9

13. In addition to the cases mentioned in articles two hundred and seventy-four and two hundred and seventy-five, the plaintiff may obtain a sequestration in all cases where he has a lien or privilege on property, upon complying with the requisites provided by law. And that in addition to the cases enumerated in article two hundred and ninety-eight, injunctions may be granted in all cases to stay executions, where payment is alleged to have been made after judgment rendered, where compensation is pleaded against said judgment, or where the sheriff is proceeding on said execution contrary to some provision of law, upon the petitioner's making affidavit of the facts alleged in order to obtain the injunction, and upon complying with the requisites prescribed by law.

Art. 389 and 390 amended.
1826.
172 ; 10.

14. That articles three hundred and eighty nine and three hundred and ninety be so amended, that it shall not be necessary that the party interpleading should join either the plaintiff or defendant, but that it may be lawful for him where his interest requires it, to oppose both.

Article 436 amended.
1826.
176 ; 11.

15. That article four hundred and thirty six be so amended, that it shall be sufficient for a party wishing to take the testimony of witnesses residing out of the State, to apply for the same to any judge having jurisdiction of the cause, and not in open court; and that it shall be sufficient simply to swear to the materiality of the testimony.

Article 615 amended.
1826.
172 ; 12.

16. That article six hundred and fifteen shall not be taken or construed to imply the nullity of a judgment where a minor has been regularly represented in a suit according to law.

Articles 652 and 653 amended.
1826.
172 ; 13.

17. That articles six hundred and fifty two and six hundred and fifty three be so amended, that unless the application for appraisement of the property according to said articles be made before the day of sale, it shall in no case have effect to prevent the sale on the day fixed by the advertisement.

Article 682 amended ; article 721 re-

18. That the proviso and exception contained in article six hundred and eighty two are repealed, and that at the second adjudication, the thing seized shall be adjudged to the highest and

last bidder for whatever it will bring on twelve months' credit, according to the terms mentioned in article six hundred and eighty one. That the following words in article seven hundred and twenty, viz : "after the advertisements directed above, but with the modifications contained in the following article" be repealed, and that the whole of article seven hundred and twenty one be and the same is hereby repealed.

19. It shall be the duty of the clerk who issues the execution according to the provisions of article seven hundred and twenty, to endorse thereon, that the same issued on a twelve months' bond and that the property to be seized under the same shall be sold for whatever it will bring in cash, and it shall be the duty of the sheriff to execute the same by seizing the property of the principal or security, or both, and to sell the same for whatever it will bring in cash after making the advertisements required by law.

20. All writs of fieri facias issued by the clerks of the several courts throughout this State, shall be made returnable by them in not less than thirty, nor more than seventy days.

21. That the English text of article nine hundred and fifty nine be made to correspond with the French part, by substituting the word "above" to the word "under" in the first line of said article.

22. That the article one thousand and sixty eight be amended by striking out the words : "or the right of imposing a tax or toll", which exist in said article.

23. That it shall be the duty of each of the sheriffs of the different parishes in this State to return all writs, directed to him, into the clerk's office from which they issued on or before the return day mentioned therein ; and also to pay over any monies received thereon, to the party entitled to the same or their attorney ; and in default of any of the duties imposed on him in this section, he shall become liable to the party or parties entitled to the benefit of said writ, for the full amount specified therein, which shall be recovered on motion before the District Court in the parish in which the said sheriff acts and resides, after ten days' notice having been given to said sheriff of such intended motion.

24. The affidavit required by the two hundred and fourteenth article of the Code of Practice may be written either at the foot of the plaintiff's petition, or annexed to the said petition.

25. In addition to the cases mentioned in the two hundred and ninety sixth up to the three hundred and third article of the Code of Practice, the Judge may grant an injunction, on the application of any purchaser whose property is seized for the payment of the price of a thing sold to him, whenever a suit has been instituted against him for the said property.

26. That so much of the article three hundred and four of the Code of Practice, as makes it the duty of the Judge to take security in cases of injunctions, or in any other case in which judges are required to take securities in cases of injunctions, be repealed ; and that it shall be the duty of the several clerks of the District Courts, before they issue any writ of injunction, to take

pealed ; and article
720 amended.
1826.
172 ; 14.

Article 720 fur-
ther amended.
1826.
171 ; 15.

Fieri facias, who
returnable.
1826.
174 ; 16.

Article 959 amen-
ded.
1826.
174 ; 17.

Article 1068 amen-
ded.
1826.
174 ; 17.

Writs, when and
where returnable.
1826.
174 ; 17.

Article 214 of the
Code of Practice
amended.
1828
150 ; 1.
Articles from 296
to 303 amended.
1828.
150 ; 2.

Article 304 amen-
ded.
1828.
150 ; 3.

from the party requiring the same a bond with one or more good securities, in the amount fixed by the judge granting the order, conditioned as the law requires.

Attachments, &c
may be granted be-
fore the filing of
the petition.
1828.
150 ; 4.

27. In all cases where attachments, arrests, and sequestrations are demandable, the plaintiff, his agent or attorney having made affidavit and given bond in conformity to law and having filed the same in Court, it shall be the duty of the clerk to issue, forthwith, the process required, without any petition being then presented ; but the usual petition shall be filed on the day succeeding that on which the said process shall have issued, except in cases where a Sunday, Fourth of July, or Eighth of January shall be the succeeding day ; then on the day succeeding such Sunday, Fourth of July, or Eighth of January ; and the sheriff shall proceed immediately to execute said process according to its tenor.

Fourth paragraph
of article 338 re-
pealed in part.
1828.
152 ; 5.

28. That the fourth paragraph of the three hundred and thirty eighth article of the Code of Practice be, and is hereby repealed ; and that no judge shall be rendered incompetent to sit on the trial of any cause now pending, or which may hereafter be instituted in any of the courts of this State, in consequence of his being a material witness in the case, in favor of either party, and that is being a witness shall no longer be a cause of recusation of said judge.

Deposition of
Judge, how taken.
1828.
152. 6

29. In every case now pending, or which may hereafter be instituted in any of the courts of this State, which are by law provided with clerks, in which the Judge of said court may be a material witness, the clerk of said court shall administer the oath to said judge, and shall take down his evidence in writing, if required by either party in the cause ; and in such courts as may not be provided with clerks, it shall be lawful for any officer authorized by law to administer oaths, to administer the oath to, and take down the evidence of the said judge in writing ; and the said clerk or other officer shall certify and sign said evidence, and the same shall be filed and used as evidence in the cause : Provided, however, that the above formalities may be dispensed with, by consent of parties, in all cases, and the evidence of said judge taken in any other manner and form, that may be agreed upon by the parties.

Proviso.

Interrogatories,
when submitted to
the adverse party.
1828.
152. 9

30. In all cases where a party to a suit is required to submit the interrogatories to be put to witnesses whose testimony is to be taken under commission, it shall be the duty of the party submitting the same, to have them served on the adverse party, or his or their counsel, three days previous to having them forwarded.

Commissioners,
to whom directed.
1828.
152. 8.

31. In any case where commissions are obtained to take depositions of witnesses in civil matters, as mentioned in the four hundred and twenty-fifth article of the Code of Practice, the commissions may be directed to any judge or justice of the peace, or to any other person authorized by law to administer oaths.

When notice of
examination not
necessary.
1828.
152. 9

32. Whenever interrogatories in writing have been annexed to the said commissions, and communicated either to the opposite party or his counsel, it shall be no longer necessary to give a notice in writing to the said party of the place and day where the depositions of the said witnesses shall be taken, saving to both par-

ties, or either of them, the right of being present, if they think it proper at the taking of the said depositions, but without being permitted to add any further questions to those contained in the aforesaid interrogatories, except with the consent of the other party.

33. That after the promulgation of this act, two days' notice given to the plaintiff and defendant by the sheriff, to appoint men to value property under execution, shall be sufficient, any law to the contrary notwithstanding.

Notice to name
appraisers, when
given.
1828.
154. 10.

34. A copy of any sale or deed of conveyance, heretofore made and executed, or which may hereafter be made and executed, by any sheriff or any other person exercising and performing the duties of sheriff in this State, certified to be a correct copy by the clerk or deputy clerk of the court in whose office such sale or deed of conveyance is or may be recorded, shall be received as evidence in the same manner, and have the same effect in every respect, as a duly certified copy of an authentic act; and if the original of any such sale or deed of conveyance has been lost or mislaid, without the same having been recorded in the office of the recorder of the Parish in which such sale or deed of conveyance has been made and executed, then, a copy of the same, certified as aforesaid, being recorded in such office, shall have the same effect in every respect, from the time the same shall be recorded, as if the original had been recorded. Provided, however, that the affidavit of any person interested in having such sale or deed of conveyance recorded, shall be deemed sufficient to establish that the same has been lost or mislaid, and authorize the recording of a copy of the same as aforesaid.

Copy of sale by
Sheriff, when suf-
ficient.
1828.
154. 11

35. That the nine hundred and ninety-ninth article of the Code of Practice be so amended as to authorize a married woman, who is a minor, to sue and to be sued, even in the case provided for by the said article: Provided, she acts under the authority and with the consent of her husband, though himself a minor; and that, in such case, it shall not be necessary to appoint to her a *curator ad litem*.

Article 999 of the
Code of Practice,
amended.
1828.
154. 12

36. In any case, where a partition of a succession has been or may be made, belonging to one or several heirs, who are present or represented therein, all the real and personal actions and others which are relative to the said succession, shall be brought against the said heirs, before the district court of the district where the said succession is opened, which court shall have an exclusive jurisdiction to try the same, though the said heirs, or any of them, may reside out of the said district.

Suits against
heirs, where
brought after parti-
tion made.
1828.
156. 13

37. All suits brought against curators and other administrators during the time of their administration or curatorship, shall after the expiration of said time, and even after the said curators and administrators have rendered their accounts to the heirs, be, and remain in the court where the succession is opened, there to be continued and tried without any additional formality except that of making the heirs parties to said suits, which shall be ordered by the court on motion of any one of the parties, or on application of such heirs themselves.

Suits against ad-
ministrators to re-
main and be deci-
ded in Courts of
Probates.
1828.
156. 14

38. In obtaining possession of the effects of a succession, the

Possession not
given to the heirs
without security
in certain cases.

1828.
156. 15

heirs shall not be permitted, under any pretence whatsoever, to have an actual delivery of any property of such succession which may be in suit, or to receive the proceeds or any monies of said succession when there shall be claims thereon pending in said courts, unless they previously give good and sufficient security, if the plaintiff or plaintiffs in such suits require it, and file their written obligation to that effect in the said court where the succession is opened, which security shall be of one-fourth over and above the amount of the claims for money thus pending, or of the appraised value of the property thus claimed, which estimation shall be made by two appraisers appointed by the judge.

Orders of arrest,
&c., may be issued
by the clerks.

1828.
158. 21
1850.-99.

39. The orders of arrest, attachment, sequestration, and provisional seizure, as well as the commissions to take the depositions of witnesses in civil matters, may be issued either by the judge before whom the case is brought or by the clerk of his court; Provided, that the parties applying for the same comply with the formalities prescribed by law to obtain any of the above mentioned orders.

Articles 1129,
1130, and 1136 re-
pealed, and 1135
partly repealed.

1828.
158. 21.

40. That the articles eleven hundred and twenty-nine, eleven hundred and thirty, eleven hundred and thirty-six, and so much of the article eleven hundred and thirty-five of the Code of Practice, as relates to the statement of facts to be made by justices of the peace, be and the same are hereby repealed; and that in future all appeals from judgment rendered by justices of the peace shall be tried in *de novo*, except the parties mutually agree before the justice of the peace to send up the appeal upon a statement of facts which they shall make.

In what cases
amicable demands
not necessary.

1839.
162. 1

Article two hun-
dred and thirty five
of the Code of Prac-
tice amended.

1839.
162. 2

41. When the defendant resides out of the State, or when the suit is commenced by arrest or attachment, an amicable demand shall in no case be necessary.

42. That article two hundred and thirty-five of the Code of Practice be so amended, that the surety therein mentioned, against whom a motion shall have been made to render him liable for the amount of the judgment given against the debtor, shall be tried summarily, and without the intervention of a jury, unless the said surety shall allege under oath, that the signature to the bond, purporting to be his, is not genuine, or that the judgment has been satisfied.

Article 259 of the
Code of Practice
amended.

1839.
162. 3

43. That article two hundred and fifty nine of the Code of Practice be so amended that in case of attachment, when the defendant has given his obligation with security, as by said article provided, and fails to satisfy the judgment rendered against him, the plaintiff may, on the return of the sheriff that no property has been found, and on exhibiting to the Court said obligation, duly transferred to him, obtain judgment against the surety on said obligation upon motion, after ten days' previous notice to said surety, which motion shall be tried summarily and without the intervention of a jury, unless the said surety shall allege under oath, that the signature to the bond purporting to be his, is not genuine, or that the judgment has been satisfied.

Article 240 of the
Code of Practice
amended.

1839.
162. 4

44. That article 240 of the said Code be so amended, that the words "never again to return" be stricken out, and the word "permanently" be inserted in lieu thereof.

45. That article two hundred and forty-three of said code be so amended, that in lieu of the oath prescribed by said article, it shall be sufficient for the creditor to swear to the existence of the debt demanded by him, and that he verily believes that the debtor has left the State permanently, or that he resides out of the State, or conceals himself, so that citation cannot be served on him.

Article 243, a-
mended.
1839.
164. 5
Affidavit requi-
red.

46. That article two hundred and seventy-five of said Code be so amended, that, in addition to the cases therein mentioned, a sequestration may be ordered in all cases, when one party fears that the other will *conceal, part with, or dispose of* the moveable or slave in his possession, during the pendency of the suit, on complying with the requisitions of the law.

Article 275 a-
mended.
1839.
164. 6
In what cases
sequestration may
be allowed.

47. That article three hundred and seventy five of the said Code be so amended, that when the plaintiff resides out of the State, or in the State, but in a different parish from the defendant, said defendant may institute a demand in reconvention against him for any cause, although such demand be not necessarily connected with, or incidental to the main cause of action.

Article 375 a-
mended.
1839.
164. 7

48. That article four hundred and thirty three of the said Code be amended, by striking out therefrom the words "and seal the same with his private seal."

Article 433 a-
mended.
1839.
164. 8

49. That article four hundred and sixty-six of the said Code be so amended, that the party who opposes a continuance, shall not be bound to admit the facts which the adverse party may have sworn, he expected to prove by such witness, but merely that such witness would, if present, swear to such facts.

Article 466 a-
mended.
1839.
164. 9
1840
124. 5

50. That article five hundred and forty-six of said Code be so amended, that hereafter, all motions for new trials in causes, shall be made and determined, and all final judgments signed before the adjournment of the Court for the term at which such causes were tried, and whether three judicial days shall have elapsed or not: Provided, that this amendment does not apply to the parish of Orleans.

Article 546 a-
mended.
1839.
164. 10

51. That article five hundred and fifty-two of the said Code be so amended, that the costs to be paid by the party cast shall include, in addition to those therein specified, the costs of copies of notarial acts, of judgments, and other copies of the records of other public officers, necessary in the cause.

Article 552 a-
mended.
1839.
166. 11

52. Whenever ships or other vessels are provisionally seized, the defendant shall be permitted to have the seizure set aside on executing a bond in favor of the plaintiff, as in cases of attachment.

Seizure of ship
set aside on giving
bond.
1839.
166 12

53. That whenever a party, plaintiff in a cause, has applied for a writ of fieri facias against the defendant, and has reason to believe that a third person has property or effects in his possession, or under his control, belonging to the defendant, or is indebted to him, he may cause such third person to be cited to answer under oath, such interrogatories as may be propounded to him touching said property and effects, or such indebtedness, in the same manner and with the same regulations as are provided in relation to garnishees in cases of attachment. Such third per-

Plaintiff may pro-
ceed against third
persons having
property, &c.
1839.
166. 13
1840.
43. 1.

Such third person bound to answer.

son shall thereupon be bound to answer in the same manner, and shall be liable in the same manner for his neglect or refusal to answer, and his answers may be disproved in the same manner as those of garnishees; in case such third person shall confess in his answer that he has property or effects in his possession, or under his control, belonging to the defendant, or is indebted to him in any sum of money, the Court shall order him forthwith to deliver up said property, to pay such sum, (if the same be due, and if not, when the same shall be due,) to the sheriff, and a copy of said order, with the receipt of the sheriff endorsed thereon, shall be delivered to the said third person, and shall be decreed equivalent to a receipt from the debtor himself; the property and effects, in the possession of a third person, belonging to the defendant, or debts due by him to such defendant, shall be decreed to be levied as by the sheriff from the date of the service of the interrogatories on such persons.

Article 554 repealed.

1839.

168. 15

Oath of Agent or Attorney sufficient.

1839.

168. 16

54. That article five hundred and fifty-four of the Code of Practice be and is hereby repealed.

55. In all cases when by any provision of said Code on oath of a party is required, it may (in the case of the absence of said party) be made by his agent or attorney; and in such case it shall be sufficient for the agent or attorney to swear to the best of his knowledge and belief.

Rule to show cause.

1839.

168. 17

Why testimony taken should not be received in evidence.

56. That commissions to take testimony may issue at any time after the service of petition and citation, and whenever a petition to take testimony shall have been returned, the party intending to use the depositions taken under the same, may, on filing the same in the clerk's office, file a notice or take a rule which must be served on the opposite party or his counsel, to show cause why the same should not be used as evidence in the cause; whereupon the party on whom the rule is taken shall be bound to urge any objections, if any he have, to the admission in evidence of said depositions, founded on any irregularity in the execution of said commission; and if he fail so to do before the cause is called up for trial, on its merits, all such objections shall be considered as waived; Provided, that no objections to the deposition, except such as are founded on irregularity in executing the commission, shall be decided on in such rule.

Property being released on bond, sheriff bound to return the bond.

1839.

168. 18

Plaintiff may object to the sufficiency of security.

57. In all cases where property attached, sequestered or provisionally seized, shall be released on defendant executing a bond with security, the sheriff shall be bound to return the bond so taken by him into court in the same manner as is provided for bail bonds. The plaintiff shall have the same right and the same time to object to the insufficiency of the security on such bonds as to the security on bail bonds, and in case the security on said bonds should be declared insufficient, the sheriff shall be liable as surety on the said bonds, and the said acts of surety shall be assigned by the sheriff to the plaintiff in the same manner as bail bonds.

No appeal to the Supreme Court to be dismissed on account of error, &c.

58. Hereafter, no appeal to the supreme court shall be dismissed on account of any defect, error, or irregularity in the petition or order of appeal, or in the certificate of the clerk or judge, or in the citation of appeal or service thereof, or because the ap-

peal was not made returnable at the next term of the supreme court, whenever it shall not appear that such defect, error or irregularity is imputed to the appellant; but in all such cases the court shall grant a reasonable time to correct such errors or irregularities (in case they are not waived by the appellee) and may impose on the appellant such terms and conditions as in their discretion they may deem necessary for the attainment of justice, and may also impose such fines on the officer who shall have caused such irregularities as they may deem proportioned to the offences.

1839
170. 19

Court may give time to correct errors and impose conditions.

59. In all cases of appeal to the supreme court, or other tribunals in this State, if the judgment appealed from be affirmed, the plaintiff may, on the return of the execution that no property has been found, obtain a decree against the surety on the appeal bond for the amount of the judgment on motion, after ten days notice, which motion shall be tried summarily and without the intervention of a jury, unless the said surety shall allege under oath that the signature to the bond purporting to be his, is not genuine, or that the judgment has been satisfied.

Judgment being affirmed, plaintiff may obtain judgment against surety.

1839
170. 20

60. When a fine shall be imposed by any court of justice, for the non-attendance of any witness, juror, or for any other cause, it shall be the duty of the clerk of said court to issue within two judicial days, a writ of fieri facias, at the suit of the State against the person or persons on whom said fine shall have been imposed, and that the clerk and sheriff, or coroner and marshal, as the case may be, shall be made responsible for the faithful performance of the law contained in the above section; provided, however, that such fines shall not be imposed without a rule on the party to show cause, unless the circumstances of the case should in the discretion of the court require no delay.

Writs to issue to recover fines.

1839
170. 21

61. That article two hundred and eighty-seven of said Code be so amended, that a lessor may obtain a writ of provisional seizure even before the rent be due, and that hereafter in all cases it shall be sufficient to entitle a lessor to said writ to swear to the amount which he claims, whether due or not due, and that he has good reason to believe that said lessee will remove the furniture or property on which he has a lien or privilege out of the premises, and that he may be thereby deprived of his lien; provided, that in case the rent be paid when it falls due, the costs of the seizure shall be paid by the lessor, unless he prove that the lessee did actually remove, or attempt or intend to remove the property out of the premises.

Art. 287 amended.

1839
172. 22

62. Hereafter no dilatory exceptions shall be allowed in any case after a judgment by default has been taken, and in every case must be pleaded in limine litis, nor shall such exceptions hereafter be admitted in an answer to any cause.

No dilatory exception allowed after judgment by default.

1839
172. 23

63. All suits against makers and endorsers of promissory notes, drawers, endorsers and acceptors of bills of exchange, and generally all suits brought on unconditional obligations to pay a specific sum of money, shall be tried without a jury unless the defendant shall make oath that his signature to said note, bill, or other obligation, is not genuine, or that he expects to prove that the same had been obtained through fraud or error, or of

Suits on promissory notes, &c. to be tried without a jury.

1839
172. 24

want or failure of consideration, or in cases when the defendant in his answer may set up a plea of compensation or reconvention, and make oath to the truth of all the allegations in said plea or answer.

Art. 469 amended.
1839
172. 25

64. That article four hundred and sixty-nine of the Code of Practice be so amended, that out of the city of New Orleans, each party may obtain from the clerk of the Court, summons for witnesses before the case has been fixed for trial.

Capias ad satisfaciendum abolished.
1840

65. That the writ of capias ad satisfaciendum be and the same is hereby abolished.

1840
131. 1
Articles 212 and 214 of Code of Practice amended.
1840
131. 2

66. That articles two hundred and twelve and two hundred and fourteen of the Code of Practice be and the same are hereby so amended, that to enable the creditor to arrest the debtor, it shall be necessary for the creditor, his agent or attorney, to swear that he verily believes that the said debtor is about to depart permanently from the State, without leaving in it sufficient property to satisfy his demand and lastly, that he does not take this oath with the intention of vexing the defendant.

Duration of arrest.
1840
131. 4

67. No debtor shall hereafter be held in imprisonment under a writ of arrest, for a term exceeding three months, provided that if the debtor reside within the State of Louisiana, he shall at the expiration of such time, if so required by the complaining creditor, be ordered by the court to surrender his property to his creditors.

Restrictions on the Sheriff, besides those in articles 644 and 647 of the Code Practice.
1842
380. 1

68. That besides the effects mentioned in the articles six hundred and forty-four and six hundred and forty-seven of the Code of Practice, the sheriff shall in no case seize the rights of personal servitudes, of use and habitation, of usufruct to the estate of a minor child, the income of dotal property.

Successions of persons domiciliated out of the State, how opened and administered.
1842
300. 1

69. That the succession of persons domiciliated out of the State of Louisiana, and leaving in this State, at their demise, moveable or immoveable property, or both, shall be opened and administered upon as are those of the citizens and inhabitants of the State; and the judge before whom such successions shall be opened shall proceed to the appointment or confirmation of the officer to administer it, under the name and in the manner pointed out by the existing laws, under the separate sections of the code which treat of successions generally.

Dative testamentary executors to be appointed in certain cases.
1842
302. 2

70. In testamentary successions whenever the executor or executors named by the testator will not or cannot perform the duties, or may be dead or absent, the judge shall appoint one or more dative testamentary executors, as it is provided by the nine hundred and twenty-fourth article, number seven, of the Code of Practice, and in the same manner as if the testator had omitted to name his executor.

Testamentary executors domiciliated out of the State, to give security.
1842
302. 2

71. Whenever the testamentary executor named in the will shall be present in the State but be domiciliated out of it, the judge shall only grant him the letters on the execution of his bond, with a good and solvent security, for such a sum and under such conditions as are required by law from dative testamentary executors.

Letters testamentary not granted unless prayed for

72. Whenever the testamentary executor named in the will shall present the petition praying for the execution and registry of the will, and should fail to pray besides for the letters testa-

mentary, in conformity with the nine hundred and thirty first article of the Code of Practice, then and in that case he shall be presumed to have declined the trust.

by the executor.
1842.
302 ; 4.

73. Whenever the testamentary executor or any other administrator of a succession shall suffer ten days to elapse after his confirmation or appointment, without having either qualified or caused an inventory to be at least begun, the judge shall forthwith and ex-officio appoint a successor in office, as if no such officer had been confirmed or appointed.

Administrator to commence duties within ten days.
1842.
302 ; 5.

74. The Courts where the succession is opened shall have exclusive cognizance of all suits or actions against sureties on the bonds of appeal, and all others which they are bound by law to receive or exact, from appellants and administrators, tutors, curators, and testamentary executors generally ; and no such suit shall be instituted against the security until the necessary steps have been taken to enforce payment against the principal.

Court of probates to have exclusive jurisdiction against sureties of administrators, &c.
1842.
302 ; 6.

75. In actions of sequestration, whenever the defendant shall fail or neglect to comply with the provisions of the two hundred and seventy-ninth article of the Code of Practice, within ten days after the seizure of the property by the sheriff, it shall then be lawful for the plaintiff, his agent or attorney in fact, to give similar bond and security to the sheriff as those required by law from the defendant, and to take the property sequestered into his possession.

In actions of sequestration when plaintiff may take the property.
1842.
204 ; 1.

76. That article six hundred and forty five of the Code of Practice be so amended, that in addition to the articles therein exempted from seizure in certain cases, shall be included the corn, fodder, hay, provisions, and other supplies necessary for carrying on the supply of the plantation to which they are attached, for the current year.

Article 645 of the Code amended.
1843.
45 ; 1.

77. That the article three hundred and fifty second of the Code of Practice be and the same is hereby repealed, and that in lieu thereof, the following article be substituted : "In all cases where a party interrogated resides out of the parish, where the suit is pending, and whether within or without the State, it shall be his duty to file his answer to the interrogatories propounded to him within such period as shall be fixed by the court, on the motion of the party interrogating, and notice of such order, fixing the delay, together with a copy of the interrogatories propounded, shall be served on the attorney representing the party interrogated : Provided, that when the party interrogated resides out of the State, his answers shall be taken by commission."

Article 352 repealed. That substituted.
1843.
14 ; 1.

78. That so much of articles seven hundred and forty six and seven hundred and forty seven of the Code of Practice as authorizes a creditor having obtained a judgment in another State of the Union, or in a foreign country, to proceed by executory process on said judgment, be, and the same is hereby repealed.

Articles 746 and 747 amended.
1846.
166 ; 1.

79. That no court shall make an order requiring a female to answer interrogatories on facts and articles in open court, unless the party propounding them, or his or her agent or attorney, shall make oath to the materiality of the interrogatories, and that they are not propounded for the purpose or in the hope of having them

Duty of parties interrogated.

What oath is to accompany interrogatories propounded to females.
1847,
145 ; 1.

taken for confessed, but with the bona fide desire to have them truly answered by the party interrogated.

Articles 673 and
770 of the Code of
Practice repealed.

1847.
55; 1.

New reading of
the article 673 of
the Code of Prac-
tice.

1847.
55; 2.

80. That articles six hundred and seventy three and seven hundred and seventy, of the Code of Practice, be, and the same are hereby repealed.

81. That article six hundred and seventy three of the Code of Practice, shall read as follows: "The appraisers thus named shall, before proceeding to make an appraisement, take an oath before the sheriff of the parish, or before a judge or justice of the peace, to make a true and just appraisement of the property seized, whether for cash or for the time of credit designated by the parties, as provided above."

New reading of
the article 770 of
the Code of Prac-
tice.

1847.
55; 3.

82. That article seven hundred and seventy of the Code of Practice shall read as follows: "When the sheriff causes property to be appraised, which has been seized or distrained by him, said sheriff or any judge or justice of the peace may administer the oath to the appraisers: but the said sheriff shall receive no fee or compensation for the administration of said oath; nor shall he administer an oath in any other case than the one now mentioned, or in such others as the law shall make provision for."

Proceedings in
trials of injunc-
tions.

1831.
102; 3.

83. On the trial of injunctions, the surety on the bond shall be considered as a party plaintiff in the suit, and in case the injunction be dissolved, the Court in the same judgment shall condemn the plaintiff and surety jointly and severally to pay to the defendant interest at the rate of ten per cent per annum on the amount of the judgment, and not more than twenty per cent as damages, unless damages to a greater amount be proved; and the sureties in such cases shall not be allowed to avail themselves of the plea of discussion.

When injunction
of a third party is
dissolved, the
plaintiff in injunc-
tion will be placed
in the situation
described in prece-
ding section.

1833.
93; 3.

84. If a third person shall obtain an injunction to arrest the execution of a judgment between other parties, and it shall be dissolved, the plaintiff in injunction and his security shall stand in the same situation, and be subject to all the responsibilities and penalties imposed by the previous section upon the plaintiff and his security, and a similar judgment may be given against them on the dissolution of the injunction.

Article 244 of
the Code of Prac-
tice amended,

1828.
38.

85. That the two hundred and forty fourth article of the Code of Practice be so amended, that the oath required by said Code, to authorize the issuing of an attachment in cases where the debt is already due, may be made by the agent or attorney of the creditor, to the best of his knowledge and belief.

The steps neces-
sary to be taken
when a defendant
denies his signa-
ture.

1825.
205.

86. Whenever a defendant shall deny his signature to a note, a bill or other private writing, in the answer which he is bound by law to make expressly to that effect, in order to compel the plaintiff to prove by experts, he shall join to his answer his affidavit purporting that it is not maliciously, for sake of delay, or with a view to procure an unjust preference to one of his creditors over others, that he denies his signature.

Articles 573 and
574 of the Code of
Practice amended.

1843.
40; 1.

87. That articles five hundred and seventy three and five hundred and seventy four of the Code of Practice be so amended that the party intending to appeal may do so either by petition or by motion in open court at the same term at which the judgment was rendered, in which last case the judge shall fix the amount of se-

curity, and cause the same with the order granting the appeal, to be entered upon the minutes of the Court; and when an appeal has been granted on motion in open court, no citation of appeal or other notice to appellee shall be necessary.

88. That the articles five hundred and seventy-five and six hundred and twenty four of the Code of Practice be so amended, than whenever an answer has been filed in a suit, in which the defendant has had personal service made upon him to appear and file his answer, or when a judgment has been rendered in a case after answer filed by the defendant or by his counsel, the party cast in the suit shall be duly notified of the judgment by the fact of its being signed by the judge: Provided that in the country parishes no execution shall issue in cases where an appeal lies until fifteen days after the adjournment of the Court by which the judgment was rendered, within which delay a party may take a suspensive appeal on filing petition and appeal bond as now provided by law.

Articles five hundred and seventy-five and six hundred and twenty four of the Code of Practice amended.

Proviso,
1813
40, 2.

89. That article five hundred and eighty six of the Code of Practice be and the same is hereby repealed.

Article 586 of the Code of Practice repealed.

1846.

34; 16.

90. That as soon as any number of the jurymen whose name shall be on the list made out for the term, shall have met together, the court may proceed to cause the jurymen who are present to be called and sworn, without complying with the formality of drawing a jury for each case as prescribed by the article 496 of the Code of Practice.

Article 496 of the Code of Practice amended.

1826.

46; 5.

91. That in all civil and criminal causes in which the State, the parishes, or the politic or religious incorporations, except the banks and other monied institutions are interested, it shall not be a sufficient cause to challenge the judge or justice of the peace, who have cognizance of the case, nor the sheriff or other executive officer, or any of the jurors who are called to serve in the cause, to allege that they are citizens or inhabitants of the State, or of the said parishes, or members of the said politic or religious incorporations, or that they pay a state, parish or city tax.

Amendment to article 507 of the Code of Practice.

1825.

24.

COMMISSIONERS TO TAKE TESTIMONY.

1. The Governor of the State is authorized to appoint one or more persons, of known integrity and learning, as Commissioners for each one of the States and Territories of the Union, who shall reside therein and whose duty it shall be to take depositions in virtue of any commissions that may be directed to them by the courts of this State.

The Governor may appoint Commissioners for every State and Territory of the Union.

1838

55. 1

2. The Commissioners now appointed or who may be appointed, are authorized and empowered to take the acknowledgement and proof of any deed, mortgage, or conveyance of any lands, tenements, slaves, or real property, lying and being in the State of Louisiana, and to take the acknowledgment and proof of the execution of any instrument of writing for the sale, transfer or assignment of any property, moveable or immoveable, and of rights and debts, and also of any power of attorney or other writing, to be used or proved in this State before any court of justice or public officer, and to administer an oath or affirmation for like purposes to any person desirous to make the same.

Additional powers and duties to Commissioners to take testimony.

1840

80: 1

Limitation
above powers.
1840
80. 2

3 The power and authority of the Commissioner, except in taking testimony under a commission, shall extend only to such cases in which the party or person making the acknowledgment or proof, oath or affirmation, shall reside within the State or Territory in which the Commissioner resides and for which he has been appointed.

Commissioners to
authenticate acts of
public officers with-
in their States.
1840
80. 3.

4. The Commissioners are authorized and empowered to authenticate and attest the signature, official capacity, and official acts of any judge, justice of the peace or other public officer, holding a commission or acting under the authority of the State or Territory in which the Commissioner shall reside, and for which he has been appointed.

The Commission-
ers shall conform
to the legislation of
this State in the
execution of com-
missions to take de-
positions.
1838
55. 2

5. The Commissioners, in executing the aforesaid commissions, shall conform in all respects to the legislation of this State in reference thereto, and shall sign every verbal process of depositions taken by them, and affix thereto their seal of office, bearing the impress of their name, official capacity, and the name of the State or Territory within the jurisdiction of which they shall be authorized to act.

Commissioners to
take depositions in
foreign countries.
1838
55. 3

6. All American Ministers plenipotentiary, chargés d'affaires, consuls general, consuls, vice consuls, and commercial agents in any foreign country, are authorized to act as Commissioners under this act, and empowered to use their respective seals of office instead of the Commissioner's seal hereinbefore described.

Original of the
seal and signature
of each Commission-
er to be deposited
in the office of the
Secretary of State.
1838
55. 4

7. Duplicate originals of the signature and seal of office of each Commissioner appointed in the different States or Territories of the Union shall be deposited in the office of the Secretary of State of Louisiana.

Effect of such au-
thentication.
1840
80. 4

8. Every such acknowledgment or proof of any deed, conveyance, mortgage, sale, transfer or assignment, oath or affirmation, taken or made before such Commissioner, and every attestation or authentication made by such Commissioner, when duly certified by him in the manner prescribed above, shall be good and available in law, and shall be received as proof, as if taken or made before a competent officer of this State.

How witnesses
compelled to appear
before Commis-
sioners.
1843
106, 1

9. Whenever it shall be necessary to take the depositions of witnesses in this State, under commissions from any other State or Territory, to be used as evidence in suits depending in any other State or Territory, it shall be lawful for any justice of the peace within this State on the application to that effect made by the Commissioner of such State or Territory, to use, if necessary, the same compulsory process to cause witnesses to appear and depose as in cases arising under the jurisdiction of any of the courts of this State.

CORONERS.

When elections
are held.
1816.
73. 7

1. Elections for sheriffs and Coroners shall be held at the time provided for the election of members of the general Assembly.

In what cases the
Coroner shall act
as Sheriff.
1805.
246. 16

2. The Coroner shall in all suits wherein the sheriff is a party, or in which he may be directly interested, execute and perform all the duties which by law ought to have been executed and performed by such sheriff, if he were not interested therein; and

such person so named and appointed, shall have in such suits all the powers, receive all the emoluments, and be liable to all the responsibilities of the sheriff of the parish.

3. In case of the vacancy of the office of sheriff by death, resignation, or removal from office, the Coroner shall exercise the duties of sheriff until the appointment and qualification of a successor to fill the vacancy so occasioned by death, resignation of, or removal from office, as aforesaid.

In case of the office of Sheriff being vacant, the Coroner to perform the duties of Sheriff, &c.
1808
8. 2

4. In case the judge should not appear on the first day of any term, the sheriff, or in the event of sickness, death, resignation, absence, inability or failure to act, the Coroner shall adjourn the court from day to day for not more than three days.

Duty of Sheriff or Coroner in case of Judge's absence.
1846.
100. 3

5. It shall be the duty of said Coroner whenever a murder shall have been committed within his parish, or whenever a person shall be found dead, the cause of whose death shall be unknown, to summon a jury of inquest composed of four or six freeholders, for the purpose of going with him to the spot where the dead body shall lie, and then to ascertain by the examination of said body and of the wounds, in what manner the person has come by his death: Provided, that if the said jury deems it necessary to call one or several physicians with a view of obtaining his or their opinion on the subject, the said Coroner shall be authorized to summon at the cost of the parish, a physician or physicians, who being thus called, shall be entitled, if they require it, to receive as a compensation the sum of ten dollars, which sum shall be paid by the treasurer of the parish, on an order drawn by the said jury and the said Coroner.

Coroner's Jury.
1814.
4. 7

6. In the case provided for in the preceding section, it shall be the duty of said jury being then assembled to draw their inquest jointly with the coroner of the situation of the dead body, and thereon to express their opinion of the manner in which the said person may have come by his death, which inquest thus drawn, shall be signed by all the members of the said jury, as well as by the Coroner, and shall be transmitted by the said Coroner to the clerk of the district court, within which jurisdiction the parish is included, to be used as the law directs before the grand jury in case a prosecution takes place, and if by such inquest the jury finds any person guilty of the death of the person thus found dead, it shall be the duty of the said Coroner to arrest and conduct before one of the magistrates of the said parish, the person deemed guilty, to be examined and imprisoned as the case may require.

1814.
6. 8

7. The Coroner shall be *ex-officio* a conservator of the peace within the extent of his parish.

1814.
6. 9

8. In case the person so found dead should have in the parish neither relations nor friends willing to take charge of his burial, it shall be the duty of the Coroner to cause such person to be interred, and the expenses incurred for that purpose shall be paid by the Treasurer of the said parish, if the person so found dead leaves not sufficient property, on an order drawn by the said Coroner and the said jury of inquest.

In what cases the Coroner is authorized to cause the corpse of the person found dead to be interred at the expense of the parish.
1814.
6. 11

9. The Coroner shall receive for his services the following fees, to wit: for taking up and causing the dead bodies to be buried, fifteen dollars; and moreover, he shall be entitled to de-

Coroner's fees.
1814.
6 ; 12.

mand and receive, when such services are rendered, the fees of coroner, as prescribed by the law regulating the fees of judicial officers.

10. Every Coroner shall be bound, previous to entering into the duties of his office, to enter into bond before the recorder and three members of the Police Jury, appointed by the president of the Police Jury, or if in New Orleans, before the recorder of mortgages and three members of the General Council, payable to the Governor and his successor in office, in a sum not exceeding one half of the sum required of the parish sheriff, for the performance of his duty, which bond shall be recorded in the office of the Recorder, or recorder of mortgages if in the parish of Orleans or Jefferson, and a copy thereof shall within three months be transmitted by said recorder to the Auditor of the State, and the said Coroner shall be liable to be prosecuted on said bond as is provided for the prosecution of the sheriff on his bonds.

11. Whenever the sheriff and Coroner of any parish shall be interested in any suit or other legal process, or when there shall be no Coroner in office in any parish and the sheriff of such parish shall be disqualified by law, from interest, or otherwise, from serving any legal process, such legal process shall be served by any regular constable of the parish or by an officer appointed by the court wherein such suit may be pending, and such constable or officer shall have in such suit all the powers, receive all the emoluments, and be liable to all the responsibilities of the sheriff in other cases.

12. Any person who shall have knowledge of a drowned person, or shall find a corpse adrift, shall be hereby authorized to take it ashore without having previously called witnesses, and after having given notice only to the nearest inhabitant who shall immediately call a justice of the peace of the neighborhood, or in his place two witnesses, to ascertain the situation of the deceased, and draw a process verbal of the same, signed by the said justice of the peace, or the said witnesses, to be transmitted to the District Court of the parish.

IN THE PARISHES OF ORLEANS AND JEFFERSON.

13. Before the Coroner of the parish of Orleans, or the parish of Jefferson, enters upon the duties of his office, he shall take the oath prescribed by the eighty-ninth article of the Constitution, and enter into bond, with good and sufficient security, to be given and executed according to law, in the sum of three thousand dollars.

14. It shall be the duty of the Coroners aforesaid, on being informed of the violent death of any person, within his parish, the cause of whose death is unknown, immediately to proceed and view the body, and make all proper enquiry respecting the cause and manner of the death; and if, from such enquiry, the said coroner shall be satisfied that no person has been guilty of causing or procuring the said death, and that there are no suspicious circumstances attending the same, he shall, without further proceedings therein, deliver the body to the friends thereof, if any there be, for interment; but in case there are no friends who will take charge of and bury it, and if the deceased

shall give bond

1814.
8; 13.
1848.
85; 1.
86; 3.
87; 5.

Cases wherein the Sheriff or Coroner shall be interested or when there shall be a vacancy.
1838.
184; 1.

Duties of certain persons on the finding a person drowned, or a corpse adrift.
1810.
36; 1.

Oath, bond and security of Coroners.
1847.
199; 1.

Manner in which Coroners are to make enquiries respecting the cause of the unknown death of any person within the limits of their jurisdiction.
1817.
199; 2.

shall have not left property sufficient to pay the expense of the burial, then it shall be the duty of the Coroner to bury the same, Provided that the owner of any slave to be buried shall bear the expense of the burial.

15. In all cases where inquests are not taken, the Coroner shall make a certificate of the following or similar import, to wit: "I Coroner of the parish of having notice of the death of and having viewed the body of the said , and made enquiry respecting his death, do hereby certify, that I am satisfied no guilt attaches to any person by reason of said death, and that an inquest is unnecessary; (and in cases where it shall have become necessary for the Coroner to bury the dead body, the certificate shall continue and say:) That the deceased has no friends who appear to take charge of and bury his or her body, nor, as I can ascertain, has he or she left property sufficient to defray the expense thereof: I have therefore buried the same. Which certificate shall be filed by the Coroner, on demanding payment of his fee.

Certificate to be given by the Coroner, when an inquest by jury is not made.

1847.
200. 3

16. That, view and enquiry had as aforesaid, if the said Coroner shall have reason to suspect that the person whose body he shall have been called to view, came to his or her death by murder or manslaughter, or by the connivance, aiding, procuring, or other misconduct of any person, then, and not otherwise, it shall be his duty forthwith to proceed and take inquest of said death.

In what case the Coroner shall proceed to an inquest by jury.

1847.
200. 4

17. Where any inquest is to be held, the Coroner shall summon forthwith five citizens, residing in the parish, to appear before him, at the time and place expressed in the summons, then and there to enquire upon view of the body of , there lying dead, when, how, and by what means he or she came to his or her death.

Number of citizens to be summoned for the jury of inquest.

1847.
200. 5

18. If any person summoned as a juror, shall fail to appear, without reasonable excuse therefor, he shall forfeit the sum of twenty dollars, which forfeiture may be recovered for the benefit of the Charity Hospital of New Orleans, by suit to be brought by the administrators of said hospital.

Penalty to be incurred for not attending as juror.

1847.
200. 6

19. When the jurors who have been summoned appear, the Coroner shall call over their names, and then, in view of the body, he shall administer to them the following oath: "You solemnly swear that you will diligently enquire and true presentment make on behalf of this State, when, how, and by what means the person whose body here lies dead, came to his or her death, and you shall return a true inquest thereof, according to your knowledge and such evidence as shall be laid before you, so help you God." If the five jurors or any of them returned shall not appear, the Coroner shall summon jurors from the by-standers, to complete the number of the jury.

Oath to be taken by the jurors.

1847.
200. 7

In what case jurors are to be taken from the by-standers

20. The Coroner may summon witnesses at such time and place as he shall direct; the persons summoned shall be subject to the same penalties, to be expressed in the summons for non-attendance, as if they had been served with a subpoena on behalf of the State to attend a justice's court. And it shall be the duty of the Coroner, if necessary in order to ascertain the cause of death, and at the request of said jurors in writing, to cause

Coroner authorized to summon witnesses.

Penalty for not attending.

1847.
200. 8

In what case a

physician is to be
subpoened.

Fee of physician.

Oath to be taken
by witness.

1847
201. 9

Evidence redu-
ced to writing.

1847
201. 10

Manner of draw-
ing the verdict of
the jury of inquest.

1847
201. 11

Powers and du-
ties of the Coroner,
on a verdict of
murder or mans-
laughter being
found by the jury
of inquest.

1847
201; 12.

Coroners autho-
rized to arrest the
person against
whom a verdict is
found

1847
201; 12.

some licensed surgeon or physician to be subpoenaed to appear as a witness upon the taking of such inquest; and the said written request of the jurors, that the testimony of a physician or surgeon is necessary to enable them to form a verdict as to the cause of death, shall be by the Coroner filed with the corporation charged with the expenses of said inquest; and if the said Coroner refuses or neglects to file said written request, as above, the Coroner shall be liable to pay the fee of said surgeon or physician, which shall not exceed ten dollars.

21. An oath to the following effect shall be administered to the witness by the Coroner: "You solemnly swear that the evidence which you shall give on this inquest concerning the death of the person here lying dead, shall be the truth, so help you God."

22. The testimony of all witnesses examined on any inquest, shall be reduced to writing by the Coroner, or some other person by his direction, and subscribed by the witnesses.

23. The jury, upon the inspection of the body, and after hearing the testimony of witnesses, and making all needful enquiries, shall draw up and deliver to the Coroner their inquisition, under their hands, in which they shall find and certify, when, how, and by what means the deceased person came to his or her death, and his or her name, if it be known, together with all material circumstances attending his or her death; and if it shall appear that the deceased was feloniously killed, the jurors shall further state who were charged with being guilty, either as principals or accessories, if known, or with being in any manner the cause of his or her death, which inquisition may be, in substance, as follows: "An inquisition taken at . . . in the parish of . . . on the . . . day of . . . in the year . . . before . . . the Coroner of said parish, of . . . upon the view of the body of . . . (or a person,) there lying dead, the jurors whose names are hereunto subscribed having been sworn to enquire on behalf of the State, when, how, and by what means the said . . . came to his or her death, upon their oaths do say: (then insert)—"when, how, and by what person or persons, means, weapons, or instrument, he or she was killed; in testimony whereof, the said Coroner and jurors of this inquest have hereunto subscribed their names, the day and year aforesaid.

24. If the jury find that any murder or manslaughter has been committed, on the deceased, the Coroner shall bind over, by recognizance, such witnesses as he shall think proper, to appear and testify at the next court, to be held in the same parish, at which an indictment for such an offence can be found: he shall also return to the same court the inquisition, written evidence, and all recognizances and examinations by him taken, and may commit to the jail of the parish any witness who shall refuse to recognize in such manner as he shall direct.

25. If any person charged by the inquest with having committed such offence shall not be in custody, the Coroner shall arrest and conduct him or her before one of the justices of the peace, recorder or mayor, in the parish in which said inquest is held, to be examined and imprisoned, as the case may require.

26. The expenses of the inquest, with the Coroner's fees, shall be paid by the parish, incorporated town or municipality, within which the said body was found, excepting in said last named cases, for the persons who die in the Charity Hospital of New-Orleans; and in such cases the expenses shall be distributed pro rata, by the General Council among the different municipalities of New-Orleans; and for that part of the parish of Orleans situated on the right bank of the Mississippi river by the police jury; Provided the Coroner shall make out an account of the expenses of the inquest, and certify under oath, that the charges are no more than allowed by law; and in case the charges in said attested account are more numerous than allowed by law, the Coroner shall be liable to the penalties of perjury.

How the expenses of the inquest and the Coroner's fees are to be paid.
1847.
201. 14

27. That for every such inquest the Coroner shall receive twenty dollars, inclusive of all burial fees; and when no inquest is actually held, said Coroner shall receive five dollars, and no more, for the services required by the fourteenth section, other than for the burial, in which case he shall be allowed five dollars.

Rate of fees to be received by the Coroner.
1847.
202; 15.

28. The Coroner of the city of New-Orleans shall have the power of appointing, under his seal, a deputy to act for said Coroner in case of sickness or necessary absence; and for any abuse of office by said deputy, the Coroner shall be responsible in the same manner and to the same extent as if said neglect or abuse of office was done by himself.

In what case, and under what conditions, the Coroner is authorized to appoint a deputy.
1847.
202; 16.

CORPORATIONS.

PRIVATE CORPORATIONS.

On the sixteenth of March, eighteen hundred and forty-eight, it was enacted, that from and after the promulgation of this act, it shall be lawful for any number of persons not less than six; complying with the provisions thereof, to form themselves into and constitute a corporation for the following purposes, to wit: To open and work any gold, silver, iron, copper, coal, or other mines; to construct railroads, canals, bridges, ferries, and other works of internal improvement; to effect fire, marine and river and life insurances; to carry on manufactures of cotton, woolen, linen, silk, and hempen cloths and cordage; to construct and carry on iron, brass and copper foundries; to construct and maintain dry-docks or floating docks for the building or repairing of ships and other vessels; to construct and carry on works to supply cities or towns with water or gas; to compress cotton; for the manufacture of iron, copper, lead, or other metals, earthenware or stone-ware, engines, cotton gins, machinery, paper, gunpowder, agricultural implements; to establish companies for refining sugar, and for sea navigation by steam; to create lines of telegraphs, and to establish chemical laboratories. Provided, that no corporation authorized under this act shall engage in any mercantile or agricultural business of any kind, commission business of any kind, brokerage of any kind, stock jobbing of any kind, or the business of factors in any form, or the business of exchange in any form.

Any number of persons, not less than six, authorized, on certain conditions, to form themselves into corporations for the following purposes.
1848.
70. 1

Restrictions.

2. That every such corporation which may be established un-

The duration of
said corporations
is limited to twenty-five years.

1848
70. 2

Powers and privileges granted to
said corporations.

der and by virtue of the provisions of this act, shall have power and authority, 1st, to have and enjoy succession, by its corporate name, for a period which shall be expressed and limited in the charter or act of incorporation thereof; provided that such period shall never extend beyond twenty-five years. 2nd, to contract, sue and be sued, defend and be defended in the corporate name, in any and all courts of justice. 3rd, to make and use a common seal, a description whereof shall be made in the act of incorporation. 4th, to hold, receive, purchase and convey, by and under its corporate title, such property, real or personal, as may be indispensable to the object for which such corporation shall be established. 5th, to name and appoint such managers and directors to administer the affairs of such corporation, and to allow them such compensation for their services as the business thereof may render necessary and proper; provided that the number and style of such managers or directors shall always be fixed in the act of incorporation. 6th, to make and ordain such bye-laws, for the proper management and regulation of the affairs of the corporation as may be necessary and proper, and which shall not be inconsistent with any of the provisions of law, or of its acts of incorporation, and said bye-laws to repeal, alter or amend at pleasure.

What is to be
contained in the
every act of incorporation.

1848
71. 3

3. Every such act of incorporation which shall be passed under and by authority of this act, shall contain: 1st, the name and title of the corporation, and of the parish, city or town, in which it is established, or its business is to be conducted. 2nd, a full and perfect description of the purposes for which said corporation is established, and the nature and kind of business or industry to be carried on by the same, the title of the officer upon whom citations may be served in all suits against said company. 3rd. The amount of the capital stock of such corporation, if the same be a stock company or corporation, and the number of shares, and amount of each share, composing said capital stock, and the time when, and the manner in which said capital stock shall be paid in and secured. 4th. the time when such corporation is to commence, and the term of its duration. 5th. a distinct enumeration of the powers with which the managers or directors of the corporation shall be entrusted, the duties to be by them performed, the mode and manner of their appointment, the term of duration of their respective offices, and the number necessary to constitute a quorum for the transaction of business. 6th. if said corporation shall be a stock company, the mode of subscription to its capital stock, the time when and the places at which the book or books of subscription to such stock shall be opened, and the period during which the same shall remain open, the names of the commissioners who shall open said book or books, and superintend the subscription therein to said stock, the manner in which the shares of subscribers shall be reduced in the event of an excess of subscription beyond capital stock, the scale according to which the stockholders shall vote on all questions which may be submitted to them, and in all elections for directors and officers of the corporation. 7th. the mode and time of declaring and paying the dividends of the profits realized by

said corporation, and the mode by which transfers of the stock may be made and certificates of stock issued. 8th. the mode by which, at the expiration of its act of incorporation, or in the event of the stockholders, as hereinafter provided, voting for the liquidation thereof, its affairs shall be settled and liquidated, and a clear statement of the powers and duties of the person or persons who shall be entrusted with such liquidation; which said act of incorporation, except acts of incorporation of mutual insurance companies, shall be published as soon as passed and signed, twice a week, in the city of New Orleans, for thirty days, in two newspapers published in said city, and out of New Orleans, once a week during the same period, in a newspaper published in the parish; and if no newspaper be published in the parish, then in the paper published nearest said parish in which said corporation may be domiciliated, in both English and French, together with the names of the corporation and stockholders, and the amount of stock or number of shares held and owned by each before said corporation shall commence business; during the month of January of every year, any corporation established by this act which shall exist and do business shall publish once as aforesaid, the names of every stockholder or corporator of such corporation, together with the amount of stock or shares held and owned by each of said stockholders or corporators.

4. It shall not be lawful for any corporation, established under and by authority of this Act, to embrace or pursue more than one branch of business or industry.

5. No corporation created under this Act, shall possess the power either express or implied, of discounting bills, notes, or other evidences of debt, or receiving deposits, or buying or selling gold or silver or bullion, of buying and selling bills of exchange, except in carrying on the legitimate business of said corporation, or of issuing bills, notes, or other evidences of debt for circulation as money, nor purchase any real estate, except such as may be indispensable for the purposes for which the corporation was created; and any corporation which shall not organize and commence the transaction of its business within one year from the date of its act of incorporation, shall be deemed to be dissolved, and shall cease to enjoy any corporate rights or authority under this Act.

6. No corporation established under this Act shall possess the right to expropriate any property for the purposes of its business, without the express authority of the Legislature, previously obtained.

7. In all corporations, the capital stock of which is divided into shares, consisting of any sum of money to be contributed by the stockholders, at least twenty per cent, of the amount of each share shall be paid in cash by the subscriber, at the time of subscribing, and the balance shall be paid at such time or times as the wants and business of the corporation, in the judgment of its managers and directors, may require; Provided, that in all corporations which may be founded under the authority of this act, having for their object and business the making insurances, such balance shall be secured by real or personal security in the State

Publication of every act of incorporation, except the acts of incorporation of mutual insurance companies.

In what manner said publication is to be made.

Said corporation not to embrace more than one branch of business.

1818

72; 4

Said corporations expressly prohibited from doing certain acts.

1843

72; 5.

Any corporation not organized within one year from the date of its incorporation, to be considered as dissolved.

Said corporations not authorized to expropriate without the consent of the Legislature.

1818

72; 6.

In what manner shares of capital stock are to be paid.

1818

72. 7

In what case the balance of stock not paid in shall be secured by real or personal property.

Certain provisions and exceptions to the general tenor of this section.

Contracts and obligations of said corporations, how entered into.

1848

73. 9

How evidenced.

Extent of the liabilities of the members of said corporations

1848

73. 9

How far they may be sued individually by the creditors of the corporations.

How far said stockholders may, individually, be subrogated to the rights of said creditors.

In what case the officers and directors of said Corporations are made personally responsible for the debts of said corporations.

Dividends, when and how declared.

1848

53. 10

What acts would be unlawful on the part of said corporations.

of Louisiana, to the satisfaction of the managers or directors of such corporation, and no transfer of any shares of such corporation shall be valid until such security is furnished; Provided that the provisions of this section shall not apply to mutual insurance companies provided for by the twentieth section of this act, and Provided that the per cent. which may be required on the amount of stock held by the stockholders of any corporation having for its object the construction of any work of an internal improvement character, may be paid in such work or labor on the same as may be contracted for under such regulations or conditions as the managers or directors of such corporation may establish.

8. The contracts and obligations of all corporations which may be established under this act shall be made and entered into the corporate name and under the corporate style and title of the corporation, and shall be clothed with such forms and be evidence in such mode, as shall be specified in the act of incorporation.

9. No member, corporator or stockholder of any corporation established under and by virtue of this act, shall ever be liable for the debts and obligations of such corporation, by more than the amount which may remain unpaid on the shares owned by him of its capital stock, and any creditor of the corporation may sue and be sued, and have judgment against each and every such stockholder for whatever portion on the amount unpaid on his stock may be necessary, in order to satisfy such creditor's demand, on execution issued against said company being returned unsatisfied, although such unpaid amount may not yet have been called in by the corporation, or its directors or managers; Provided that the stockholder who shall pay and satisfy such judgment, or shall contribute towards its payment or satisfaction, shall, by the fact of such payment, be subrogated to all the rights of the judgment creditor, against such other stockholders as may not have so contributed, and who may owe a balance on their stock; Provided, further, that if said company so incorporated shall at any time become insolvent, through fraud of the directors and officers of said corporation, said directors and officers shall be personally liable for the debts of said company.

10. It shall not be lawful for any corporation established under this act, to declare dividends, except from the surplus profits actually realized and secured, arising from the business of said corporation, and unless the assets composing the capital of said corporation, after deducting its liabilities of every description, be found to be worth, under a cash valuation, the full amount of the stock subscribed; nor shall it be lawful for any such corporation, prior to the expiration of its act of incorporation, except in the case provided in the third section of this act, to divide, withdraw or reduce, or in any manner to pay to the stockholders, or any of them, without the consent of the Legislature, any part of the capital stock of the corporation, nor to discount or receive any note, or other evidence of debt, in payment of any installment which may be called in on said stock; nor shall it be lawful for such corporation to purchase, directly or indirectly, any share or shares of its capital stock, except when the same may be sold under judicial process, to pay a debt due to the said corporation,

which shares so purchased shall not be considered as extinguished; nor shall it be lawful for any such corporation to invest any part of its cash or surplus profits, in any other than mortgage securities on unencumbered real estate, worth fifty per cent. more than the sum invested therein, or in stock of the General Government, or in bonds of this State; Provided, that in case of surplus profits, and when the corporation shall be in a condition to declare dividends, it shall not be lawful for the administrators or directors thereof to withhold the same from the stockholders, who in such case, shall be entitled to an annual division and distribution of at least one-half of the said surplus profits.

11. Every stock corporation created under this act shall have and keep bound books, in which shall be entered, in regular order, all and singular the operations and transactions of the corporation, and the accounts thereof, and shall keep and preserve a separate bound book, in which shall be recorded at full length all the proceedings and deliberations of the directors or managers of the corporation, in the order in which the same shall take place, which deliberations shall, on the days of their respective dates, be signed by all the directors or managers aforesaid who shall have been present at such deliberations, and shall keep and preserve a stock book, in which all transfers of stock shall be made and entered; and that all said books, and any and all other books which may be kept by such corporation, shall always be open to the examination of any stockholder or creditor of such corporation.

Especial duties
prescribed to said
corporations.
1848
73. 11

Books of the cor-
porations aforesaid
to be always open
to the inspection of
their stockholders
and creditors.

12. A meeting of the stockholders of every stock corporation shall be convened at least as often as once in every year, of which public notice shall be given in a newspaper published in the parish where such corporation is located, or if no newspaper be published in such parish, then in the newspaper published nearest to said parish, during a period to be specified in the act of incorporation, but which shall never be less than thirty days, and any proceedings held without said notice, shall be null and void.

Meetings of the
stockholders.
1848
74. 12

Manner of giving
notice of said meet-
ings.

Not less than thir-
ty days.

All proceedings
to be null without
such notice.

13. Any insurance company which shall be established by virtue of this Act in the city of New-Orleans shall pay annually the sum of seven hundred and fifty dollars, which shall be equally divided among the respective municipalities of said city, in proportion to the number of fire companies in each municipality.

\$750 shall be paid
annually by every
insurance compa-
ny established by
virtue of this Act.
1848.
74; 13.

14. The Legislature shall always possess the right to examine into the affairs of any corporation which shall be formed under the authority of this Act, and for that purpose to appoint such committee or commissioners as they may deem proper, and to vest such committee or commissioners with full force to examine any and all books, accounts, proceedings and witnesses, touching the affairs, acts and doings of such corporation, and any corporation withholding the means of such examination shall be deemed to have forfeited all rights under its Act of incorporation and the provisions of this Act; and the directors therein voting for such withholding shall thereafter be responsible as commercial partners.

Rights reserved
by the Legislature
1848.
74; 14.

Penalty imposed
upon said corpora-
tions for resisting
or infringing said
rights.

15. Any corporation established by authority of this Act, shall be dissolved and its affairs liquidated at any time before the ex-

In what cases
said corporations
shall be dissolved.

and shall go into liquidation.
1848.
74; 15.

piration of time fixed in the Act of incorporation for its duration; Provided that stockholders, holding at least two thirds of its capital stock, shall require and vote for such dissolution and liquidation; and provided, further, that any such corporation shall be dissolved, and its affairs liquidated, upon a failure to pay its debts after a return of no property found upon execution issued upon judgment against said corporation.

Formalities required to constitute said corporations.

1848.
74; 16.

Duties of the district attorney, and of the District Court.

Dates of the Acts of incorporation.

Delay granted for opposing the confirmation of said Act of incorporation.

A duly certified copy of every Act of incorporation to be filed in the office of the secretary of State.

Amendments made to the acts of incorporation to be clothed with same formalities.

1848.
75; 17.

16. Whenever any number of persons not less than six, may desire to constitute themselves into a corporation under the provisions of this Act, they shall cause to be passed before a notary public of the parish wherein such corporation is to be located, an act of incorporation which shall contain all the clauses and requisites enumerated in the third section hereof, and shall be in all other respects in conformity with the provisions of this Act, and they shall present a certified copy of such Act of incorporation to any district judge of the district wherein such corporation is intended to be located, accompanied by a petition that the same may be examined and enquired into by said judge; that a copy of such petition shall be served upon the district attorney of said district, whose duty it shall be to examine said act of incorporation, and within ten days from the service of the said petition upon him, should he find such act to be in any respect contrary to law, to file his written opposition to the same, whereupon the Court shall hear and determine the same; and if said Act shall be found to be in accordance with the law, said judge shall render a decree confirming such act of incorporation, and authorizing the petitioners to enjoy and possess all the rights granted to corporations by this Act; but should such be found to be in any respect contrary to law, said judge shall amend the same in all such respects, and such amendments shall be certified by the clerk of the said District Court, under the seal thereof, to the notary before whom said act was passed, whose duty it shall be to annex such amendments to the original act, and said act of incorporation shall date from the day of the decree of the said District Court; provided, that thirty days' notice of the application to the district judge shall be given in a newspaper published in the parish, and if none such be published in the parish, then in the newspaper published in the nearest parish; and for all corporations established in the city of New-Orleans such notice shall be published in a newspaper having the judicial advertisements; and that any citizen of the State, or any person interested, may, during said thirty days, oppose the confirmation of said Act of incorporation in the same manner as the district attorney, and the judge shall hear and determine all such opposition as above provided. A duly certified copy of every act of incorporation, within thirty days after the judge shall have rendered a decree in favor of the incorporators, shall be filed in the office of the secretary of the State by the principal officer of said corporation.

17. In case any changes or amendments may be decided by the stockholders in any corporation created under the provisions of this Act, the same may be obtained by pursuing the same formalities, and adopting the same mode of proceeding as are required by this Act for an original act of incorporation, and the

judgment of the court in regard to such amendments shall be certified in the same manner as required for such original act, to the notary public, who shall append the same to the act containing the proposed amendments, and whatever amendments shall be allowed by the Court shall thenceforward be considered as constituting part of the original act of incorporation; provided that no such amendment shall in any manner authorize a reduction of the capital stock of such corporation, except as provided for in the third and tenth sections of this Act.

Restrictions imposed to such amendments.

18. It shall be the duty of each Corporation established under the provisions of this act, to publish semi-annually, in two newspapers of the city of New Orleans, or in one newspaper of the parish where the act of incorporation was granted, provided there be one, a statement, under oath, of its affairs, showing the amount of its liabilities and assets.

A statement of the affairs of said corporation to be published semi-annually.

1848.

75. 18

19. Any corporation established under this act shall forfeit its charter and corporate rights for misuser or insolvency, evidenced by a return of no property found on execution against said corporation, and the district courts shall have power to declare such forfeiture on a suit against such corporation, at the instance of the Attorney General, the District Attorney of the District where such corporation is located, or at the suit of any creditor of such corporation.

In what cases said Corporations shall forfeit their charters and corporate rights.

1848

75. 19

20. It shall be lawful to establish mutual insurance Companies under this Act, provided that the amount of the fund subscribed as the capital wherewith any such Company shall commence its business, as well as the manner in which the payment of such fund is secured, if not paid in cash, as well as the manner and form of issuing, and the time and conditions of redeeming certificates, of profits granted to insurers in such company, and the rate of interest which such certificates shall bear, and when such interest shall be payable, shall be stated in the act of incorporation: and provided, further, that the officers of such company at the expiration of a year from the time that the first policy shall have been issued and bear date, and within one month thereafter, and during the first month of every year succeeding, shall cause an estimate to be made and sworn to by the President or Secretary of said company of the affairs thereof, as near as may be, for the preceding year, including a statement of insurances effected during the period embraced in such estimate, distinguishing between fire, marine, river and life policies, which estimate shall be conclusive upon all persons entitled to receive certificates of profits, as hereinafter provided for, and shall thereupon cause a balance to be struck of the affairs of such company, in which they shall charge each insurer with a proportionate share of the losses of said company, according to the amount of premiums paid by him, but in no case shall such share exceed the amount of such premiums, and shall credit him with the amount of said premiums and also with an equal share of the profits of said company, derived from investment in proportion to the said amount, and such insurer shall thereupon be entitled to a certificate signed by the President or Secretary of said company, of the amount of his credit on the books of said company,

On what conditions mutual insurance Companies are to be established.

1848.

75. 20

Duties and obligations imposed on said mutual insurance companies.

Stockholders entitled to a certificate of credit on the books of said corporations.

Said certificate not to be issued for less than a certain sum.

Certain mutual insurance companies to be exempt from paying the tax of \$750 imposed upon others.

Officers of said mutual insurance companies bound to publish under oath, statements of the affairs of said companies.

1818.
76, 21

What the details are, to be contained in said statements.

Duties and obligations imposed upon corporations, organized for the purpose of internal improvements.

1818.
77, 22

Provision for the reincorporation of any company organized for the purpose of internal improvement.

1848.
77, 23

What tolls or fees they shall charge.

such certificate to contain a proviso that the amount named therein is liable to any future loss by such company, no certificate to be issued for the fractional parts of sums between even tens of dollars, nor for any sum less than ten dollars, but all such fractional parts of sums, and sums less than ten dollars, are to be passed to the contingent accounts of the company, and shall be applied to the expenses and other charges of the year to which they appertain. Provided further, that any company of mutual insurers that may be established by the planters of the State for the insurance of gin or sugar houses, and confined to said description of insurance, and who may establish an office in the city of New Orleans for the purpose of conducting their business, shall be exempt from paying the sum of seven hundred and fifty dollars, as provided for in the thirteenth section of this act.

21. At the same period mentioned in the foregoing section, the officers of said company shall cause a full statement, under oath, of the affairs of said company to be published in a newspaper published in the parish wherein such company shall be located; and if no newspaper be published in such parish, then in the newspaper published nearest such parish, which statement shall contain, first, the amount of premium received during the previous year, specifying what amount was received on life policies, what on fire policies, what on marine policies, and what on river or inland navigation policies; second, the amount of the expenses of the company during the year; third, the amount of losses incurred during the year, specifying and designating what amount of losses have been incurred by the different kinds of policies mentioned in the foregoing section; fourth, the balance remaining with said company, distinguishing between the portion of each balance which is in cash, and the portion thereof invested in securities, and the nature of said securities.

22. Whenever a corporation, organized for the purpose of internal improvements, shall have the privilege, in the prosecution of their works, to cross any canal, or other navigable stream, it shall be their duty to establish a draw-bridge, or other means of passing, so as not to obstruct the navigation thereof, and whenever it may be required to pass through any part of a city or town, it shall be the duty of such company so to construct their works as not to prevent the use of travelling in the streets thereof; provided that no such work of improvement constructed under this act, shall enter into the limits of any city or incorporated town without the sanction of the authorities of such city or incorporated town.

23. All corporations created under the provisions of this Act which have for their object the construction of a railroad, turnpike road, canal, toll bridge, or other work of internal improvements, may be reincorporated at the expiration of their first or successive acts of incorporation, by complying with the formalities prescribed in this act for the establishment of corporations, and all such corporations shall have the right to charge such toll or fees as the parochial or municipal authorities in the parishes, cities or towns where they exist may determine on, in case the

same may not have been fixed in the act of incorporation by the General Assembly of the State, and such corporations for internal improvements shall enjoy and possess the exclusive privilege of using said works of internal improvement for a period in no case exceeding twenty years.

Duration of their charters.

24. It shall be the duty of the several District Attorneys of the State to institute suit in the name of the State against any corporation established under the provisions of this act, and located within the district of said attorneys, for a forfeiture of charter, on the complaint, made under oath, of any person that such corporation has omitted or committed any act which shall constitute a ground of forfeiture of charter; provided, however, that in the event of any such suit being decided in favor of the corporation, the costs shall be on the party complaining.

Duties of the district attorneys with regard to the forfeiture of charters.

1848.
77. 24

25. Nothing in this act contained shall in any wise be construed or interpreted as a contract between this State, and the stockholders of any corporation formed under it, or with such corporation when formed, but the legislature shall have at all times the right to alter or amend this law, and so apply such alterations and amendments as well to corporations existing at the time such alterations or amendments are made as to those which may be thereafter formed.

This law not to be construed as forming a contract between this State and any particular corporation.

1848.
77. 25

26. The foregoing provisions of this bill shall not apply to corporations which are established or may be established for political or municipal purposes, or to religious, eleemosynary, literary or scientific institutions.

This act not applicable to certain corporations.

1848.
77. 26.

INCORPORATIONS, LITERARY, SCIENTIFIC, RELIGIOUS, &c.

27. On the thirtieth of April, eighteen hundred and forty-seven, the five following sections were enacted, that whenever any number of persons exceeding six, may desire to associate themselves for any literary, scientific, religious or charitable purpose, and to acquire and enjoy the powers and immunities of a corporation or body politic in law, it shall and may be lawful for such persons to prepare an instrument of writing, wherein they shall specify the purposes and objects of such association, and the name, style or title thereof, and the same to exhibit and present to the District Attorney of the district wherein such applicants, or a majority of them, may reside, who is hereby required to peruse and examine said instrument, and after such perusal and examination, to transmit it with a certificate thereon endorsed, stating his opinion touching the lawfulness of the objects, articles and conditions therein set forth and contained, unto the Governor of the State; and if the District Attorney of the district shall certify his opinion as aforesaid to be, that the objects, articles and conditions in such instrument set forth and contained, are lawful, and the Governor shall concur in the same opinion, then the Governor shall transmit the same to the Secretary of State, with an order endorsed thereon, requiring him to enrol the same in the records of his office, at the expense of the applicants; and upon the enrolment thereof, the persons so associated, or meaning to associate themselves shall, according to the objects, articles and conditions in the said instrument set forth and contained, become and be a corporation, or body politic in law, and shall have continu-

Act of organization of certain corporations, to be declared lawful by the district attorney and to be approved by the Governor.

1847.
151. 1

Said act of organization to be enrolled in the records of the Secretary of State.

ance by the name, style and title in such instrument provided and declared; provided, that this act shall also be applicable to the organization of fire companies throughout the State.

Manner in which the organization of the aforesaid corporations may be altered and amended.

1847
151. 2

28. As often as the corporations established by virtue of this Act, or the successors thereof respectively, shall be desirous of improving, amending or altering the articles and conditions of the instrument upon which the said corporations respectively are, as aforesaid, formed and established, it shall and may be lawful for such corporations respectively, in like manner to specify the improvements, alterations or amendments which are or shall be desired, and the same to exhibit and present to the district attorney, who shall, in like manner, certify his opinion to the Governor of the State, touching the lawfulness of said improvements, amendments or alterations; and if approved by the Governor aforesaid, and certified as aforesaid to be lawful, shall, in like manner be directed by the Governor to be enrolled as aforesaid, at the expense of the applicants, and upon enrollment thereof, shall be taken and deemed to be a part of the instrument upon which such corporations respectively were formed and established, to all intents and purposes, as if the same had originally been made, in part thereof.

Powers of the aforesaid corporations.

1847
152. 3

29. Corporations established by virtue of this Act, shall have full power and authority to make, have and use a common seal, with such device and inscription as they shall respectively deem proper, and the same to break, alter and amend at their pleasure, and by the name, style and title by them respectively provided and declared aforesaid, shall be able and capable in law to sue and be sued, plead and be impleaded, in any court or courts, before any judge or judges, justice or justices, in all manner of suits, complaints, pleas, causes, matters and demands whatsoever, and all and every matter or thing thereinto do, in as full and effectual a manner as any other person or persons, bodies corporate and politic, within this State may or can do, and shall be, and they are hereby authorized and empowered to make rules, by-laws and ordinances, and to do everything needful for the good government and support of the corporations aforesaid, respectively; Provided always, that said by-laws and ordinances be not repugnant to the constitution and laws of the United States, to the constitution and laws of the State, or to the instrument upon which the said corporations, respectively, are as aforesaid formed and established.

Acts of incorporation, how proved in court.

1847
152. 4

Prohibition of free persons of color.

1850
179.

30. A copy of said act of incorporation enrolled as aforesaid, certified by the Secretary of State, may be used as evidence in any court of justice therein.

(Amendment of the 4th section by the act of 30th March, 1850.)

Provided that in no case shall the provisions of this Act be construed to apply to free persons of color in this State incorporated for religious purposes or secret associations and any corporations that may have been organized by such persons under this act for religious purposes, or secret associations are hereby annulled and revoked.

Further powers and privileges granted to the a-

31. The corporations established by virtue of this act and the successors thereof, respectively, by the name, style and title by them respectively provided and declared as aforesaid, shall be

able and capable in law, according to the terms and conditions of the instrument upon which the said corporations are, as aforesaid, formed and established, to take, receive and hold, all and all manner of lands, tenements, rents and hereditaments, and any sum and sums of money, and any manner and portion of goods and chattels given and bequeathed unto them, or acquired by them in any manner, respectively, to be employed and disposed of according to the objects, articles and conditions of the instrument upon which said corporations respectively are as aforesaid formed and established, or according to the articles and by-laws of said corporations respectively, or of the will and intention of the donors; Provided that no corporation organized by authority of this act shall hold property of a value exceeding three hundred thousand dollars; Provided that no church corporation or minister of the gospel for himself or the benefit of a church corporation, shall be allowed to accept a bequest in *articulo mortis*.

foresaid corporations.

1847

152. 5

Restrictions.

Act of April 30th. 1847.

LIQUIDATION OF CORPORATIONS.

32. Whenever the charter of any corporation in this State shall be deemed forfeited, by any District Court in this State, the District attorney of the said District Court shall forthwith inform the Governor of this State of the fact, and the Governor shall thereupon appoint a liquidator to take charge of and liquidate the affairs of said corporation, as provided for by the Act of 4th of May 1847 (see comp.) In case of death, resignation or removal of any liquidator, appointed as herein provided for, the Governor shall fill the vacancy occasioned thereby, by appointing another person; and in case of refusal of any person appointed to act as liquidator, the Governor shall appoint the district attorney of the district within which said corporation is domiciliated, who shall be dispensed with giving the bond and security provided for by said Act.

Upon the forfeiture of any charter in this State, the Governor is authorized to appoint a liquidator.

1847.

209; 11.

Manner of supplying vacancies in the offices of liquidators.

In what case the district attorney may be appointed liquidator.

POLITICAL CORPORATIONS.

33. All persons shall be eligible to hold office under all political corporations granted or to be granted by the General Assembly of Louisiana, when by the Constitution of the State for the time being, the same class of persons are eligible to the House of Representatives of the General Assembly of this State.

Qualification under political corporations to hold office.

1846.

5; 1,

34. In all elections by the people for offices under political charters granted or to be granted by the General Assembly of Louisiana, the qualifications of voters shall be the same as those prescribed at the time being, by the Constitution of Louisiana, for the electors of representatives in the General Assembly.

Qualification under political corporations of voters.

1846.

5; 1.

35. The City Council of the incorporated cities of this State be, and they are hereby vested with full powers to punish with a fine, not exceeding eight hundred dollars, any contravention to the police regulations by which any individual is forbidden to keep in his house or place of residence, more than a certain quantity of gunpowder, as fixed by the said police regulations, and to apply a part of the said fines to the informers of the said offences, and the other part to the benefit of the corporations of said cities,

City Councils authorized to fine persons violating police regulations in relation to the keeping of gunpowder in their houses.

1828.

43; 1.

and the recovery of the said fines shall be sued for before the respective District Courts.

36. In case of any conflagration happening in the said cities or towns, the Mayor, or other chief officer of the corporation of the said city, shall have power to require from the commanding officer of the militia of the said place, to put at his disposal such number of the said militia as he will think necessary to make patrols and maintain the good order, as long as the said conflagration continues; and it shall be the duty of the commanding officer to furnish such part of the said militia which shall be thus required from him.

Militia required
1838.
50; 2.

LITERARY INSTITUTIONS, DONATIONS TO.

37. The president and trustees of any institution of learning established in the State of Louisiana, which is, or may be hereafter incorporated as a body politic, in conformity with the Constitution and laws of this State, who may wish so to do, can deposit in the treasury of the State of Louisiana, all sums of money intended solely for the use and purposes of such institutions of learning; and all sums so deposited, shall be invested in the bonds or obligations of the State of Louisiana or of the United States; and the interest accruing thereon, as realized, shall be paid over to such corporation, or again invested, as such corporation may desire.

In what way moneys donated to public institutions of learning are allowed to be invested.

Ex. S 1848.
55; 1.

Interests on said investments, how paid.

1848.
55. 2

Duty of the State Auditor and State Treasurer.

38. Should any endowment be made, either by donation *inter vivos* or *mortis causâ*, to establish a professorship in any institution of learning in the State, duly incorporated, on the principal being deposited in the State Treasury, the same shall be invested, and the interest, as realized, shall be paid over as stipulated in the preceding section; and it shall be the duty of the Auditor of Public Accounts and the State Treasurer to make the investments contemplated by this act, to the greatest advantage, for the interest of such institution or institutions.

FOREIGN CORPORATIONS.

39. No bank or other corporations of any other State, or of any foreign country, nor any creditor under them, under assignment or otherwise, shall, in seeking to enforce the collection of debts due by the citizens of this State, exercise any right which such bank or other corporation or such creditor under them could not exercise, by virtue of the laws of the State or of the foreign country in which such bank or corporation is situated.

1846.
161.

CRIMES AND OFFENCES.

MURDER, RAPE AND POISONING.

Murder, how punished.

1805
416; 1.

Jury may find a verdict of manslaughter.

1818.
168; 1.

1. If any person or persons shall commit the crime of wilful murder, such person or persons, on being thereof convicted shall suffer death.

2. There shall be no crimes known under the name of murder in the second degree; but on trials for murder, the jury may find the prisoner guilty of manslaughter, if they should be of opinion that he is not guilty of murder, but of manslaughter.

Murder, rape and poisoning, punish-

3. If any person or persons shall commit either of the crimes of murder or rape, or who shall administer any kind of

poison to any person with the intent to commit the crime of murder, such person or persons so offending, on conviction thereof shall suffer death. And if any person or persons shall be accessory before the fact to any of the several crimes described in this section, such person or persons shall, upon conviction thereof, suffer death.

ed with death.
1806.
122 ; 1.
Accessories before
the fact shall suf-
fer death.
1806.
124 ; 2.

MANSLAUGHTER.

4. If any person shall hereafter commit manslaughter, and shall be thereof convicted, he, she, or they shall be subject to be fined in a sum not exceeding two thousand dollars, and shall be imprisoned at hard labor for a term not exceeding twenty years, according to the aggravated circumstances of the case.

Manslaughter
how punished.
1818.
168 ; 2.

5. When gunpowder is shipped on board of a steamboat, which shall at all times be stowed away at as great a distance as possible from the furnace, a written notification of the fact shall be placed in three conspicuous parts of the boat ; and in the event of such notification not being so exhibited, then for any loss of property, or life, for which the powder may be deemed the cause, the owner shall be liable to the shipper for the full amount of said loss or damage ; and the captain, in the event of loss of life being the result of such accident, shall be adjudged guilty of manslaughter.

Notices of gun-
powder on board
of steamboats.
1834.
57 ; 7.

Penalties.

1834.
56 ; 3. 57 ; 4.

6. Any person or persons who shall ship or put on board, or cause to be shipped or put on board of any steamboat, within this State, any gunpowder, without giving notice thereof at the time of making the shipment to the master or clerk of said boat, shall be liable to a penalty of two hundred dollars, which may be sued for and recovered before any court of competent jurisdiction by the owner, captain or clerk of said boat, for his or her own use and benefit ; and in case of any loss of property in consequence of gunpowder being on board of said boat, the shipper that shall have failed to give due notice, as herein required, shall be liable for all losses of property or damage done thereto, or for any injury done to any person or to their family ; and in case of the loss of the life of any individual on board, in consequence of gunpowder being on board, the person or persons who shall have shipped the same, without giving due notice thereof, shall, on conviction thereof, be adjudged guilty of manslaughter, and punished accordingly.

Shipment of gun-
powder without
notice.
1834.
58 ; 8.

Penalties.

Manslaughter.

MAIM.

7. If any person or persons, on purpose and of malice aforethought, shall unlawfully cut or bite the ear or ears, or cut out or disable the tongue, while fighting or otherwise ; slit the nose or a lip, cut or bite off the nose or lip, or cut off or disable any limb or member of any person, with intention in so doing to maim, disable or disfigure such person in any manner before mentioned ; then in every such case, the person or persons so offending, their counsellors, aiders and abettors shall, on conviction thereof, pay a fine not exceeding one thousand dollars, and shall be further punished with imprisonment at hard labor not exceeding seven years.

Biting, slitting,
maiming.
1805.
432 ; 23.

8. If any person or persons, on purpose and of malice aforethought, shall put out an eye or the eyes of any person while

Penalty against pu-
ting eyes out

1817.
161; 1.

fighting or otherwise, with intention in so doing to disfigure or blind such person, then and in every such case, the person or persons so offending, their counsellors, aiders and abettors, shall, on conviction thereof, pay a fine, not exceeding two thousand dollars, and shall be further punished with imprisonment and hard labor for a time not less than seven years, nor exceeding fourteen years.

ASSAULTS WITH INTENT TO COMMIT MURDER, AND OTHER CRIMES.

Stabbing, shooting,
&c. with intent to
commit murder by
a person laying in
wait, &c.

1819.
62; 1.

9. If any person or persons laying in wait, or in the perpetration or attempt to perpetrate any arson, rape, robbery or burglary, shall shoot or stab, or thrust any person with a dangerous weapon, and with the intent to commit the crime of murder, such person or persons so offending, on conviction thereof, shall be punished with death.

Stabbing, shooting,
&c., with intent to
commit murder
under other cir-
cumstances.

1819.
62; 2.

10. When any person or persons shall shoot or stab, or thrust any person with a dangerous weapon, and with the intent to commit the crime of murder under any other circumstances than those mentioned in the preceding section, such person or persons so offending, on conviction thereof, shall suffer imprisonment at hard labor or otherwise, for a term not less than one year, and not exceeding twenty one years.

Assault with
intent to kill.

1805.
434; 24.

11. Whoever shall assault another by wilfully shooting at him, or with intent to commit murder, rape or robbery, shall, on conviction thereof, be imprisoned at hard labor not exceeding two years, and shall afterwards give sufficient security for good behavior for one year.

Assault with a
dangerous weapon

189.
166. 4

12. Whoever shall, with a dangerous weapon, or with intent to kill, make an assault upon another person, in the peace of the State then being, shall, on due conviction thereof, be imprisoned for a period not exceeding twelve months, nor less than three months, and without or with hard labor, and fined in a sum not exceeding five hundred dollars, according to the aggravation of the offence, at the discretion of the court having cognizance thereof.

Second conviction
for a like offence.

1829.
16; 5.

13. Whoever shall be convicted a second time, for a like offence, or whoever shall, with a dangerous weapon, or with intent to kill, inflict a wound less than main, upon another person, in the peace of the State then being, shall, on due conviction thereof, be imprisoned for a period not exceeding two years, nor less than six months, and without or with hard labor, and fined in a sum not exceeding one thousand dollars, according to the aggravation of the offence, at the discretion of the court having cognizance thereof.

ASSAULT AND BATTERY.

Assault and bat-
tery.

1805.
440. 32

14. Whoever shall be guilty of assaulting and beating, wounding short of maiming, or of falsely imprisoning any person, shall on conviction thereof, suffer fine or imprisonment, or both, at the discretion of the court.

ASSAULTS.

Mere assaults
committed on a
person.

1818.
166. 4

15. Whoever shall be guilty of assaulting any free white person, shall suffer fine not exceeding one hundred dollars, or imprisonment not exceeding three months, or both, at the discretion of the court.

AFFRAY.

16. Whoever shall be guilty of an affray, as defined by the common law, on conviction thereof shall be punished by fine or imprisonment, or both, at the discretion of the court.

Affray.
1842.
260. 1

CARRYING CONCEALED WEAPONS.

17. Any person who shall be found with any concealed weapons, such as a dirk, dagger, knife, pistol, or any other deadly weapon, concealed in his bosom, coat, or in any other place about him that does not appear in full open view, any person so offending shall on conviction thereof, before any justice of the peace, be subject to pay a fine not to exceed fifty dollars nor less than twenty dollars, one half to the use of the State, and the balance to the informer; and should any person be convicted of being guilty of a second offence before any court of competent jurisdiction, he shall pay a fine not less than one hundred dollars, to be applied as aforesaid, and to be imprisoned for a time not exceeding six months. When any officer has good reason to believe that any person or persons have weapons concealed about them for the purpose of committing murder, or are in any other way armed in such a concealed manner, on proof thereof being made to any justice of the peace, by the oath of one or more credible witnesses, it shall be the duty of such judge and justice to issue a warrant against such offender and have him searched, and should he be found with such weapons, to fine him in any sum not exceeding fifty dollars, nor less than twenty dollars, and to bind him over to keep the peace of the State, with such security as may appear necessary, for one year; and on such offender failing to give good and sufficient security as aforesaid, the said justice of the peace shall be authorized to commit said offender to prison for any time not exceeding twenty days.

Penalty for carrying concealed weapons.
1813.
172. 1

How distributed

Second offence.

Suspected persons may be searched.
1813.
174. 3

Fine.

Sureties of the peace.

DUELLING.

18. If any person shall voluntarily engage in a duel with rapier or small sword, back sword, pistol, or other dangerous weapon to the hazard of life, and death should ensue, the survivor shall, upon conviction, suffer death; and all and every person aiding and abetting as second, agent and abettor, and who shall be duly convicted thereof, shall be punished as accessories before the fact in murder.

Duelling, when death ensues, how the survivor and his second are punished.
1818.
176. 16

19. If any person shall voluntarily engage in a duel with rapier or small sword, back sword, pistol, or other dangerous weapon, to the hazard of life, when no homicide shall ensue thereon, and if any person shall, by word, message, or any other manner, challenge another to fight in a duel as aforesaid, when no duel shall be fought thereon, every such offender, and every person who shall knowingly be a second, agent or abettor in such duel or challenge, upon due conviction of either of said offences, shall be punished as a felonious assaulter by fine not exceeding two hundred dollars, and imprisonment not exceeding two years.

Punishment when a person engages in a duel, though no homicide shall ensue.
1818.
178. 17

20. If any person shall accept a challenge to a duel, and shall consent to a fight therein as aforesaid, when no duel shall thereupon ensue, every such offender, and every person who shall knowingly be a second, agent or abettor in such acceptance of a challenge, upon due conviction, shall be punished by a fine not

Punishment for accepting a challenge, though no duel ensues.
1818.
178. 18

exceeding one hundred dollars, and imprisonment not more than one year.

INCEST.

Incest, how punished.

1817.
182. 1

21. Every person who shall commit the abominable crime of incest, shall, on conviction thereof, suffer imprisonment and hard labor for life.

CRIME AGAINST NATURE.

Crime against Nature.

1805
416. 2

22. Every person who shall hereafter be duly convicted of the detestable and abominable crime against nature, committed with mankind or beast, shall suffer imprisonment at hard labor for life.

BIGAMY.

Bigamy.
1805.
430. 21

Proviso.

22. If any person or persons, being married, shall intermarry with any person or persons, the former husband or wife being alive, he, she or they so offending shall, on conviction thereof, pay a fine not exceeding five hundred dollars, and be imprisoned not exceeding two years: Provided nevertheless, that this section, or any thing therein contained shall not extend to any person or persons whose husband or wife shall absent him or her self one from the other, for the space of five years, the one of them not knowing the other to be living within that time, nor to any person or persons who shall be, at the time of such marriage, divorced by competent authority, or to any person or persons whose former marriage, by sentence of competent authority, shall have been declared void.

CONCEALING BIRTH OF CHILD.

Punishment for women concealing the birth of their issue.

1817.
182. 3

24. If any woman shall be delivered of any issue of her body, and shall endeavor privately, either by drowning or secret burying thereof, or in any other way, either by herself, or the aid and assistance of others, so to conceal the birth thereof that it may not come to light, whether it be born alive or not, in any and every such case the said mother, together with all and every other such person or persons so aiding or assisting, shall, on conviction thereof, be punished by imprisonment not less than five, nor more than fourteen years.

ROBBERY.

Robbery.
1805
416. 4

25. Every person who shall commit the crime of robbery, and be convicted thereof, shall suffer imprisonment at hard labor not less than seven nor more than fourteen years.

Robbery.
1805
420. 10

26. Robbery or larceny of bank notes, obligations or bonds, bills obligatory, or bills of exchange, promissory notes for the payment of money, or notes for the payment of any specific property, lottery tickets, paper bills of credit, certificates granted by or under the authority of this State, or of the United States, or of any of them, shall be punished in the same manner, both as to the principal and accessory, as robbery or larceny of goods and chattels.

Pickpockets, how punished.
1828
38. 3

27. If any person or persons shall be found guilty of attempting to rob, from the person of another, money or other property, by cutting or tearing the clothes, thrusting the hand into pockets, or otherwise, of such person, though he, she, or they do not succeed in such attempted robbery, the person or persons so offending shall, on conviction, be sentenced by the court to be im-

prisoned not less than six months, nor more than two years, and fined in a sum not exceeding five hundred dollars.

ARSON.

28. Whenever a free person shall be convicted of having maliciously set fire to a mansion house or other building, or to a vessel or other water craft, the person thus convicted shall suffer death.

Crime of arson,
punished with
death.

1828
33. 1

29. Whenever any free person shall be convicted of having maliciously prepared combustible matters, and put them in any place with the intent to set fire to a mansion house or other building, or to a vessel or other water craft, the person thus convicted shall be sentenced to an imprisonment at hard labor, for a term not less than ten years, nor more than fifteen years; although the said person had not yet set fire to the said combustible matters.

Punishment of
the attempt to com-
mit arson.

1828
38. 2

30. If any person or persons attempt wilfully and maliciously to set fire to any dwelling house or any other building of another, situate in any part of this State, or to set fire to any ship, vessel, or other water craft, of another, lying within the limits of this State, such offender or offenders shall, on conviction, suffer death. And any person aiding, abetting or consenting in the said attempt, or accessory thereto before the fact, as aforesaid, shall, on conviction thereof, suffer the same kind and extent of punishment as might lawfully be inflicted upon the principal offender.

Setting fire to any
house or vessel,
how punished

1817
184. 5

1828
33. 1

1818
168. 8

31. If any person or persons shall wilfully and maliciously set fire to or burn any fences, piles of wood, boards and lumber, or other combustible matter, by means of which any dwelling house or other building of another, or any ship, vessel or other water craft of another, lying within the limits of this State, be burnt, such offender or offenders, and any person present, aiding, abetting or consenting in the commission of the said offence, or accessory thereto before the fact, by counselling, hiring or procuring the same to be done, on conviction of any of said offences, shall be sentenced to an imprisonment at hard labor for a term not less than seven nor more than fourteen years.

Setting fire to
matter by means of
which houses or
vessels are burnt,
how punished.

1817
182. 4

32. Any person who shall wilfully and maliciously burn any hovel, crib, cock, mow, or stack of hay, fodder, corn or grain, or shall be accessory to either of said offences before the fact, shall, upon conviction thereof, pay the damages that any person may sustain thereby, and shall moreover suffer imprisonment at hard labor, not less than seven nor more than fourteen years.

Setting fire to
hovel, crib, hay,
fodder, how pun-
ished.

1805
422. 13

33. If any person or persons shall wilfully and maliciously set fire to, or burn, or attempt to burn, or otherwise destroy any public work or works, belonging to a corporation, other than those for the burning of which he could be prosecuted for arson, the said person or persons shall, on conviction thereof, be punished by imprisonment at hard labor for not less than one, nor more than ten years.

Setting fire to
works of the public
or of corporations,
how punished.

1829
164. 1

BURGLARY.

34. If any person with intent to kill, rob, steal, commit a rape, or to do or perpetrate any other felony, shall, in the night time, break and enter, or having with such felonious intent entered, shall, in the night time, break a dwelling house, any person then being lawfully therein, and such offender being at the time of

Punishment for
burglary, when
committed in en-
tering a dwelling
house, armed with
a dangerous weap-
on.

1818
170 3

such breaking or entering, armed with a dangerous weapon, or arming himself or herself in such house with a dangerous weapon, or committing an actual assault upon any person, lawfully being in such house, every such offender, and any person present, aiding, assisting or consenting to such burglary, or accessory thereto, before the fact, by counselling, hiring or procuring such burglary to be committed, who shall be duly convicted thereof, shall suffer the punishment of death.

Punishment for
burglary when
committed without
being armed, or
committing an as-
sault.

1818
172. 4

35. If any person, with intent to kill, rob, steal, commit a rape, or to do or perpetrate any other felony, shall, in the night time, break and enter, or having with such felonious intent entered, shall in the night time break a dwelling house, without being armed with a dangerous weapon, or without arming himself or herself in such house with a dangerous weapon, and without committing an assault upon any person lawfully being in such house, every such offender, and every person present aiding and abetting in such burglary, or accessory thereto before the fact, by counselling, hiring or procuring such burglary to be committed, who shall be duly convicted thereof, shall be punished by confinement at hard labor, not exceeding fourteen years.

Punishment for
breaking into shop,
store, &c., during
the night,

1818
172 5.

36. If any person with intent to kill, rob, steal, commit a rape, or to do or perpetuate any other felony, shall in the night time break and enter into any shop, store, court house, church, barn, rice or sugar house, cotton gin, office, warehouse, or any out-house appurtenant to a dwelling house, plantation, or any ship or vessel, or having with such felonious intent entered, shall in the night time break any such house, building, ship or vessel, and all and every person present, aiding, assisting or consenting in such burglary, or accessory thereto, before the fact, by counselling, hiring or procuring such burglary to be committed, who shall be thereof duly convicted, shall suffer imprisonment at hard labor for a term not exceeding ten years.

Harboring or con-
cealing principal
or accessory, how
punished.

1818.
173. 6.

37. If any person after any burglary committed as aforesaid, shall knowingly harbor, conceal, maintain, or assist any principal offender or accessory thereto, before the fact, every such accessory after the fact who shall be thereof duly convicted, shall be punished by confinement at hard labor, not exceeding five years.

Punishment for
entering without
breaking at night,
or for breaking and
entering in the
day, any house, &c.

1818
172 7

38. If any person, with intent to kill, rob, steal, commit a rape, or to do or perpetrate any other felony, shall in the night time enter without breaking, or in the day time break or enter any dwelling house or out house thereto adjoining and occupied therewith, or any office, shop or warehouse, or any ship or vessel lying within the body of a parish, every such offender and every such person present, aiding or abetting in the commission of such offence, or who shall have counselled, hired or procured the same to have been committed, being thereof duly convicted, shall be punished by confinement at hard labor not exceeding five years, and be fined not exceeding one thousand dollars.

LARCENY.

Larceny, how
punished,
1818.
166. 1

39. Whoever shall be guilty of larceny, shall be imprisoned at hard labor or otherwise, not exceeding two years.

40. Whoever shall steal any horse, mare, ass, or mule, shall

suffer imprisonment at hard labor not less than one year, nor more than five years.

Horse stealing.
1818.
166. 2

RECEIVING STOLEN GOODS.

41. If any person or persons shall receive or buy any goods or chattels that shall be feloniously taken or stolen from any other person, knowing the same to have been so taken or stolen, or shall receive, harbor, or conceal any felon or felons, thief or thieves, knowing him, her, or them to be so, he, she, or they being of either offence legally convicted, shall restore the goods so received, or pay double the value thereof, and shall moreover suffer imprisonment at hard labor not exceeding one year; and in default of making the restoration or payment aforesaid, shall suffer further imprisonment at hard labor for a period not exceeding one year.

Receivers of stolen goods.
1805.
422. 12

Harboring felons or thieves.

SWINDLING.

42. All persons who knowingly, fraudulently and designedly, by any false pretence or pretences, shall obtain or aid and assist another in obtaining from any person, money or any property whatever, with intent to defraud any person of the same, shall be deemed offenders against law and the public peace, and shall, on due conviction, be punished by imprisonment at hard labor or otherwise, not exceeding twelve months.

Punishment for swindling.
1805.
38. 2

43. In case the judges, clerks, or notaries shall have neglected to cause the legal mortgages of minors, interdicted or absent persons and married women, to be recorded, it shall be the duty of the tutors or curators of minors, interdicted or absent persons, and of husbands, to cause the said mortgages to be recorded without any delay and according to law; and if the said tutors or curators or husbands having failed to cause the said mortgages to be recorded, should obtain or procure money or any other property on granting any privilege or mortgage on the same, without expressly declaring that it was subject to the legal mortgage of their wives or other persons above mentioned, whose property they are administering, they shall be considered as guilty of swindling, and punished according to the criminal laws of this State, and shall moreover pay to the party suffering by it such damages as the nature of the case may require.

Tutors and others, bound to cause recording to be made.
1821.
168. 7
1817.
63. 1, 2, 3, 4

EMBEZZLEMENT OF PUBLIC MONIES.

44. If any officer of this State, or any other person, shall convert to his own use in any way whatever, or shall use by way of investment in any kind of property or merchandize, or shall loan, with or without interest, or use in any other manner than as directed by law, any portion of the public money which he is authorized to collect, or which may be entrusted to his safe keeping or disbursement, or for any other purpose, every such act shall be deemed and adjudged to be an embezzlement of so much of the said money as shall be thus taken, converted, invested, used or loaned, which is hereby declared to be a felony, and the neglect or refusal to pay over, on demand, any public money in his hands, in the manner required by law, shall be prima facie evidence of the conversion and embezzlement of the public money in his hands; and any officer or other person, and all persons advising and knowingly and wilfully participating in such embezzlement, shall pay a fine

Embezzlement of public money.
1814.
79. 1

Fine and imprisonment.

1814.
79. 1

equal to the amount of money so embezzled, beside restoring the same, and shall be imprisoned in the penitentiary at hard labor, for a term not less than six months, nor more than five years.

To whom extended.

1844.
80. 2

45. The provisions and penalties of the foregoing section shall extend to all officers or other persons, their aiders and abettors, who shall embezzle the funds belonging to any parish or incorporated city, with the collection, safe keeping, or disbursement of which they may be entrusted or charged.

EMBEZZLEMENT AND BREACHES OF TRUST.

1815.
46. 1

46. If any servant, clerk, broker, agent, consignee, attorney, mandatary, depositary, common carrier, trustee, bailee, curator, testamentary executor, administrator, tutor, or any person holding any office, or trust, under the executive or judicial authority of this State, or in the service of any public or private corporation or company, shall wrongfully use or dispose of, conceal, or otherwise embezzle any money, bills, notes, checks, order, draft, bond, receipt, bill of lading, or any other property which he shall have received for another, or for his employers, principal or bailor, or by virtue of his office, trust, or employment, or which shall have been entrusted to his care, keeping or possession by another, or by his employer, principal, or bailor, or by any court, corporation or company, said servant, clerk, broker, agent, consignee, attorney, mandatary, depositary, common carrier, bailee, trustee, curator, testamentary executor, administrator, tutor, or any other person or persons whatever, upon conviction of any such breach of trust or embezzlement, or of having aided and abetted in the commission thereof, or of having been accessory thereto before or after the fact, shall suffer imprisonment at hard labor for a term not exceeding seven years, nor less than one year.

Prescription.

1815.
46. 3

Proviso.

47. The offence mentioned in the foregoing section may be prescribed only by three years after the time when the act of embezzlement or larceny shall have been discovered by the person or persons, corporation or corporations injured, any laws to the contrary notwithstanding; provided that the prescription as aforesaid shall be interrupted by the absence of the offender from the State of Louisiana, or by any other means by which said offender would remove himself out of the jurisdiction of the State of Louisiana.

Officers of banks embezzling money of banks, how punished.

1821.
36. 1

48. Any president, cashier, teller, or clerk, or other officer or person employed in the service of any bank, chartered by this State, or by the late territory of Orleans, or which may hereafter be chartered by said State, who shall knowingly and wilfully embezzle or convert to his or their own use, or shall knowingly aid and abet any person or persons in embezzling or converting to his or their use, any money or sums of money belonging to such bank or placed in deposit in the same, shall, on due conviction thereof, suffer imprisonment at hard labor for a term not exceeding seven years, nor less than one year.

FORGERY AND COUNTERFEITING.

Forgery of receipts, acquittances, &c.

1818.
182. 2

49. Any person or persons who shall falsely make, alter, forge, or cause to be made, altered or forged, any receipt or instrument of writing, acknowledging the payment of any sum of money, or the receipt of any goods, wares, or merchandize, or property of

any kind whatever, or any acquittance, release, or discharge of any debt, account, action, suit, demand, or other things, real or personal, with an intention to defraud any person or persons, body politic or corporation shall, on conviction thereof, suffer imprisonment at hard labor for a term of years not less than one, nor more than seven years.

50. If any person shall forge or counterfeit, or falsely make or alter, or shall procure to be falsely made, altered, forged or counterfeited, or shall willingly aid or assist in falsely making, altering, forging or counterfeiting any public record, any certificate or attestation of a justice of the peace, public register, clerk of any court, town clerk, or other public officer, in any matter wherein such their certificate or attestation is receivable, and may be taken as a legal proof, any charter, deed, will, testament, bond, or writing obligatory, letter of attorney, policy of insurance or bill of exchange, any promissory note, order, acquittance or discharge for or upon the payment of money or delivery of goods, or any acceptance of a bill of exchange, or any endorsement or assignment of a bill of exchange or promissory note for the payment of money, any accountable receipt for money or goods, or for any note, bill or security for money or goods, or any lottery ticket in any lottery legally authorized within this commonwealth, or shall utter or publish as true, any such false, altered, forged or counterfeited record, or certified record, certificate or attestation, charter, deed, will, testament, bond, writing obligatory, letter of attorney, policy of insurance, bill of exchange, promissory note, acceptance, endorsement, assignment, order, acquittance, discharge, accountable receipt or lottery ticket, knowing the same to be false, altered, forged or counterfeited, with intent to injure or defraud any person or any body politic or corporate, then every person so offending in either of the particulars aforesaid, who shall be thereof duly convicted, shall be punished by confinement at hard labor for a term not less than two years, and not exceeding fourteen years.

Forgery or counterfeiting public records.

1818

172. 8

51. If any person or persons shall forge or counterfeit, or cause or procure to be forged or counterfeited, or shall willingly aid or assist in the forging or counterfeiting any gold or silver coin which now is, or hereafter may be passing or in circulation in this State, or shall falsely pay or offer or tender in payment, any such forged or counterfeited coin, knowing the same to be forged or counterfeited, every person so offending and being thereof convicted, shall suffer imprisonment at hard labor not less than seven, nor more than fourteen years.

Forgery.

1805.

422 ; 14.

52. If any person shall falsely make, alter, forge or counterfeit, or shall procure to be falsely made, altered, forged, or counterfeited, or shall willingly aid or assist in falsely making, altering, forging or counterfeiting any note, certificate, check or bill of credit which has been or may be issued by the treasurer or other commissioner or commissioners duly authorized for any debt of this State, or any bank bill or promissory note payable to the bearer, signed in behalf of any company or corporation by law licensed, authorized as a bank within this State, or payable and demandable therein at the office of any banking company

Forgery of any note, certificate, check, &c.

1818.

172 ; 9.

or corporation by any law of the United States, or if any person having knowledge of such false making, altering, forging and counterfeiting, shall willingly aid or assist in altering or rendering current as true any such false, altered, forged or counterfeited notes, certificates, bills of credit, bank bills or notes, knowing the same to be false, altered, forged or counterfeited as aforesaid, and for that purpose shall possess at any one time, any number not less than ten, with intent to utter or pass the same, and thereby to injure and defraud this State, any body politic or corporate, or any person or persons, then every person so offending in either of the particulars aforesaid, who shall be thereof duly convicted, shall be punished by confinement at hard labor not exceeding fourteen years.

Uttering or tendering forged note, certificate, check, &c., how punished.
1818.
174, 10

53. If any person shall utter or tender in payment, as true, any such false, altered, forged or counterfeited note, certificate, check, or bill of any debt of this State, bank bill, check or promissory note payable to the bearer by any bank as aforesaid, knowing the same to be false, altered, forged or counterfeited, with intent to injure or defraud this State, any body politic or corporate, or any person or persons, every person so offending and who shall be duly convicted, shall be punished by confinement at hard labor not exceeding three years, or by fine not exceeding two thousand dollars, and by binding to good behavior not exceeding two years, at the discretion of the court, before whom the conviction may be: And if after the conviction, the same person shall be guilty a second time of the like offence, and shall be duly convicted thereof, or if at the same time any person shall be duly charged and convicted in three several instances, then such person may be adjudged a common utterer of counterfeit bills, and shall be punished by confinement at hard labor not more than ten years nor less than two years.

Bringing into the State, or having possession of forged or counterfeit note, with intent to pass the same.
1818.
174; 11.

54. If any person shall bring into or shall have in his possession, within this State, any false, forged and counterfeited bill or bills, note or notes, in the similitude of the bills or notes payable to the bearer thereof, issued by or for any bank or banking company which is or shall be established in this State, or in any part of the United States for the purpose of rendering the same current as true, or with intent to pass the same, knowing the same to be false, forged or counterfeited, every such offender, upon due conviction thereof, shall be punished by confinement at hard labor not exceeding three years.

How punished.

Engraving or making any plate, paper, tool, &c., for the purposes of counterfeiting, how punished.
1818.
176; 12.

55. If any person shall engrave, form, make or mend, or shall begin to engrave, form, make or mend any plate or plates, paper rolling press or other tool, instrument or material devised, adapted and designed for the stamping, forging and making any false and counterfeit certificates, bills or notes, which have been or which shall be issued as aforesaid by or for any debt of this State, or by or for any bank or banking company which is or shall be established in this State or in any other part of the United States, or shall have in his possession any such plate or plates engraven in any part, or any paper, rolling press or other tool, instrument or material devised, adapted, and designed as aforesaid, with the intent to use and employ the same, or to cause

or permit the same to be used and employed in forging and making any such false and counterfeit certificates, bills or notes, every person so offending, who shall be thereof duly convicted, shall be punished by confinement at hard labor, not exceeding seven years.

56. If any person shall forge or counterfeit, or shall procure to be forged or counterfeited, or shall willingly aid or assist in forging or counterfeiting any gold or silver coin, current in this State by the laws and usages thereof, or if any person, knowing of such forging or counterfeiting, shall willingly aid or assist in passing and rendering current as true, any such forged or counterfeit coin, and for that purpose shall, at any one time, possess any number not less than five, of similar pieces of false money or coin, forged or counterfeited to the similitude of the gold or silver money, or coin current as aforesaid, with intent to utter the same as true, knowing the same to be false, forged and counterfeit, every person so offending in either of the particulars aforesaid, who shall be duly convicted thereof, shall be punished by imprisonment at hard labor for a term not exceeding fourteen years.

Forgery or counterfeiting of any current money.

1818.

176; 13.

How punished.

57. If any person shall bring into this State, or shall possess within the same, any number of similar pieces of false money, or coin forged or counterfeited as aforesaid, knowing the same to be false, forged and counterfeited, with intent to utter and pass the same as true, or if any person shall utter, tender in payment, or pass as true any false money or coin, knowing the same to be false, being counterfeit in the similitude of any gold or silver money or coin current by law or usage within this State, with intent to defraud any person or persons, every person so offending, who shall be duly convicted, shall be punished by confinement at hard labor not exceeding ten years.

Bringing into this State or possessing false money, &c., with intent to pass the same.

1818.

176; 14.

58. If any person shall cast, stamp, engrave, form, make or mend, or shall knowingly possess any mould, pattern, die, puncheon, engine, press or other tool or instrument, devised, adapted or designed for the coining and making any false and counterfeit money and coin, in the similitude of the gold and silver coin or money current within this State by the laws or usages thereof, with the intent to use and employ the same, or cause or permit the same to be used or employed in coining and making any such false and counterfeit money or coin as aforesaid, every person so offending shall be confined at hard labor for a term not exceeding fourteen years.

Making any mould, pattern, &c., for coining counterfeit money, how punished.

1818.

178; 15.

FALSE WEIGHTS AND MEASURES.

59. Whoever shall make, or cause to be made use of, or who shall utter false stamps or scales, shall on conviction before the District Court where the offence was committed, be subject to all the pains and penalties of forgery, under the laws of this State. No person shall buy or sell any commodity whatsoever by weight or measure which do not correspond with the standard, or are not stamped after the said parishes have procured the standard of weights and measures, or shall keep any such weights or measures, for the purpose of buying or selling thereby, under penalty or fine of fifty dollars for each offence, besides the for-

Utterer of false stamps or scales, to be subject to the penalties of forgery.

1846.

97; 11.

Fines.

1846.

96; 10.

Restriction on the
selling of weights
and measures.

1816,
97; 12,

feiture of the weights and measures found to be false, and of a fine of ten dollars when the weights and measures are found to be just, though not stamped: said fines to be recovered before any tribunal of competent jurisdiction, one half to the benefit of the informer, and the other half to the parish in which the offender resides; all the weights and measures seized shall be forfeited for the benefit of the stamper, who shall not return them into circulation until he has made them conformable to the standard. It is forbidden to sell, or cause to be sold, measures and weights, unless they have been tried and stamped by persons appointed for that purpose, agreeably to the provisions of the law, under the penalties imposed as aforesaid against all persons who shall have used false weights and measures.

PERJURY.

Perjury.
1805
428; 18

60. If any person or persons shall wilfully and corruptly commit perjury, or shall by any means procure any person to commit corrupt and wilful perjury, on his or her oath or affirmation in any suit, controversy, matter or cause depending in any of the courts of this State, or in any deposition or affidavit taken, or made pursuant to the laws of this State, every person so offending, and being thereof convicted, shall be punished with imprisonment at hard labor not less than five years, nor more than ten years, and be thereafter rendered incapable of giving testimony in any of the courts of this State, until such time as the judgment against such offender is reversed.

Trial of persons
indicted for perjury.
1805
426; 17

61. In every presentment or indictment to be prosecuted against any person for wilful and corrupt perjury, it shall be sufficient to set forth the substance of the offence charged upon the defendant, and by what court, or before whom the oath or affirmation was taken, (averring such court, person or persons, to have competent authority to administer the same) together with a proper averment or averments to falsify the matter wherein the perjury or perjuries is or are assigned, without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceeding other than as aforesaid, and without setting forth the commission or authority of the court, or the commission or authority of the person or persons before whom the perjury was committed.

Subornation of
perjury.
1805
428; 18

62. In any presentment or indictment for subornation of perjury, it shall be sufficient to set forth the substance of the offence charged upon the defendant, without setting forth the bill, answer, information, indictment or declaration, or any part of the record or proceeding, and without setting forth the commission or authority of the court or person or persons before whom the perjury was committed, or was agreed or promised to be committed.

OFFENCES AGAINST THE ADMINISTRATION OF JUSTICE.

Bribery of a judge
or other officer.
1818
166; 5

63. Whoever shall directly or indirectly, give, offer or promise to any judge or other person concerned in the administration of justice, any bribe or undue reward to influence his behavior in his office, shall suffer fine or imprisonment, or both, at the discretion of the court.

Bribery:
1805
438; 20

64. If any person or persons shall, directly or indirectly, give, offer or promise any bribe or undue reward, to obtain or procure

the opinion, judgment or decree of any judge, justice of the peace or other civil or judicial officer of this State in any suit, controversy or matter depending before him or them, and shall be thereof convicted, such person or persons and the judge, justice of the peace, or other civil or judicial officer who shall in any wise accept or receive the same, on conviction thereof shall suffer fine or imprisonment, or both, at the discretion of the court.

65. All attempts to corrupt or awe a jury in the trial of any cause depending or to be tried in any court of this State, either on indictment or in suit between individuals, by menaces, threats, giving money, or promises of any pecuniary advantage or otherwise, to any juror or jurors trying said cause, to induce said juror or jurors to give a verdict in favor of either of the parties in the same, is hereby declared a high misdemeanor, and the person or persons so offending shall, on conviction thereof, be fined in a sum not less than one hundred dollars, nor more than five hundred dollars, and imprisoned not less than six months nor more than two years; and if any juror or jurors take any reward from either of the parties in a cause as aforesaid, he or they shall, on conviction, be punished by fine and imprisonment at the discretion of the court.

Attempting to corrupt or awe jurors.

1817.
184; 6.

OFFENCES AND MISDEMEANORS OF PUBLIC OFFICERS.

66. If any judge, justice of the peace, sheriff, or other civil officer, shall be guilty of any misdemeanor in the execution of either of their respective offices, he shall, on conviction thereof, suffer fine and imprisonment, or both, at the discretion of the court, and be rendered forever afterwards incapable of holding any office of trust or profit under the government of this State, and shall moreover be liable to action by the party injured.

Penalty for a judge justice, &c., to be guilty of misdemeanor.

1806
124; 5

87. If any judge, justice of the peace or sheriff, coroner, constable or other civil officer, be guilty of any oppression or extortion, in the administration or under the color of his office, every such offender shall on conviction, suffer fine or imprisonment, or both, at the discretion of the court.

Oppression and extortion.

1805
438; 30

68. Every individual who shall hereafter be convicted of bribery, perjury, forgery, or any other high crime or misdemeanor, shall forever be excluded from all offices of trust and profit, and from the rights of suffrage in this State.

Offences which exclude from office and from the right of suffrage.

1825
38; 1

RESISTING PROCESS OF COURT.

69. If any person or persons shall, knowingly or willingly obstruct, resist, oppose or insult any officer of this State, in serving or attempting to serve or execute any mesne process or warrant, or any rule or order of any of the courts of this State, or any other legal or judicial writ or process whatsoever, or shall assault, beat, wound or insult any officer, or other person duly authorized, in serving or executing any writ, rule, order, process or warrant aforesaid, every person so knowingly and wilfully offending in the premises, shall, on conviction thereof, be imprisoned not exceeding six months, and fined not exceeding two hundred dollars.

Opposition to the law.

1805.
436. 27

RESCUE.

70. If any person or persons shall, by force, set at liberty or rescue any person or persons who shall be found guilty of any capital offence, or rescue any person convicted of any capital

Rescue.
1805
434. 26

crime, going to execution, or during execution, every person so offending, and being thereof convicted, shall suffer imprisonment at hard labor not exceeding fourteen years; and if any person or persons shall by force, set at liberty or rescue any person or persons who, before conviction, shall stand indicted for any capital offence or if any person or persons shall, by force, set at liberty or rescue any person committed for, or convicted of any other offence, every person so offending shall, on conviction thereof, be fined not exceeding three hundred dollars, and to be imprisoned at hard labor not exceeding two years.

Penalty for setting at liberty a person committed for a capital crime.
1829.
64. 6

71. If any person or persons shall by force set at liberty, or aid to set at liberty, any person or persons committed to prison for any capital crime, every person so offending, and being thereof convicted, shall suffer imprisonment at hard labor, not exceeding seven years.

OFFENCES AS TO PUBLIC RECORDS.

Stealing, altering, &c., records, &c., of court, how punished.
1805.
430. 20

72. Every person who shall deface, alter, falsify or embezzle any record, enrollment, matter or instrument recorded, or registry thereof, with intent to defraud, shall, upon conviction thereof pay a fine not exceeding one thousand dollars, and be imprisoned at hard labor for a term not more than two years, and shall be rendered incapable of holding any office within this State.

Stealing or altering records, &c., of any court.
1805.
430. 19

73. If any person or persons shall feloniously steal, take away, alter, falsify, or otherwise avoid any writ, record, process, or other proceeding in any of the courts of this State, by means whereof any judgment shall be reversed, made void, or not take effect, or if any person shall acknowledge, or procure to be acknowledged in any of the courts aforesaid, any recognizance, bail or judgment, in the name or names of any other person or persons, not privy or consenting to the same, every such person or persons, on conviction thereof, shall pay a fine not exceeding three thousand dollars, and may also at the discretion of the court, be punished with imprisonment at hard labor not exceeding two years: Provided, nevertheless, that this act shall not extend to the acknowledgment of any judgment or judgments, by any attorney or attorneys, duly admitted for any person or persons against whom any such judgment or judgments shall be had or given.

Proviso.

In what cases a judge may order papers to be deposited with notary public.
1805,
118. 1

74. In all cases where the proceedings relating to any succession or suit at law, which may have been or shall hereafter be taken out of the office of any one of the public notaries of the city of New Orleans, it shall be the duty of any judge of the district court, upon the application of the adverse party, or of any person interested therein, to order the same to be deposited with such notary from whom such papers have been taken, within such time thereafter as such judge may deem proper; and if such person or persons shall not comply with the order of said judge within the time prescribed, or show satisfactory cause to him why the same has not been complied with; then such person or persons shall be deemed guilty of a fraud, and shall be liable to a criminal prosecution therefor, by indictment; and upon conviction thereof, shall be liable to fine and imprisonment, in the discretion of the court.

Penalty for not complying with order of judge.

75. Whoever shall steal, wilfully destroy or falsify any notarial record, act or document, shall be fined not exceeding two thousand dollars, nor less than one thousand dollars, and suffer imprisonment at hard labor or otherwise, not exceeding two years, nor less than one year.

Stealing or altering notarial acts.
1818.
166. 3

TRESPASS.

76. No person shall cut, pull down, burn, destroy or carry away any tree, wood or timber, growing or lying on the land of another, or cause the same to be done by his orders or directions, without the consent of the owner or legal possessor thereof; and whoever shall knowingly and in bad faith violate the provisions of this section, shall be guilty of a misdemeanor, and on due conviction thereof before the District Court of the parish in which said offence shall be committed, shall pay a fine of not less than five dollars nor more than five hundred dollars, in proportion to the amount of damage which he may have occasioned, one third for the benefit of the owner or legal possessor of said land, one third for the benefit of the parish, and one third to the prosecuting District Attorney, as well as the costs of prosecution: Provided, however, that nothing contained in this section shall take away or impair the right to damages or other legal remedy which the party injured may now have under the laws of this State.

Penalty for trespass.
1843.
78. 1

Proviso.

77. It shall be the duty of any judge or justice of the peace, before whom any complaint shall be made, under oath, of any violation of the previous section, to issue the necessary warrant of arrest for the person complained against, and to commit him to custody for trial at the next term of the District court, unless the said accused person shall furnish good and sufficient bail, in a sum to be fixed by said judge or justice of the peace.

Duty of Judge or Justice of the peace
1843.
79. 2

78. Any person who shall take possession of any tract of land, or any part thereof, or of any house or other tenement, being the property of another person, without any legal right so to do, shall be guilty of a misdemeanor, and on due conviction thereof, shall be punished by fine or imprisonment or both, at the discretion of the court, in the sum of not less than fifty dollars, nor more than one thousand dollars, and imprisonment of not less than ten days nor more than six months, and pay the costs of prosecution: Provided, however, that such possession shall not have been continued for one year without disturbance.

Penalty for taking possession.
1843.
79. 4

VACANT ESTATE, TAKING POSSESSION OF.

79. In case any person or persons shall take possession of a vacant estate, or a part thereof, without being duly authorized to that effect, with the intent of converting the same to his own use, he, she, or they shall be prosecuted, by information, and on conviction thereof shall be fined not exceeding two thousand dollars, to the benefit of the State, and shall be moreover liable to pay all the debts of the said estate, exclusive of the damages to be claimed by the parties who may have suffered thereby.

Penalty for taking possession of vacant estate.
1820.
96. 12

MALICIOUS MISCHIEF AND CRUELTY TO ANIMALS.

80. Whoever shall wantonly or maliciously kill any horse, mare, gelding, mule or jackass, or any milch-cow, cow, or beast of the cow kind, or a dog, the property of another person, without some lawful excuse for so doing, and shall be thereof duly

Punishment for the killing of certain animals.
1821.
24. 1

convicted, shall be fined in a sum not exceeding two hundred dollars, or imprisoned not exceeding six months, at the discretion of the court having jurisdiction of the cause, and shall be moreover liable to pay to the owner the value of the animal so killed, and pay the cost of prosecution.

Punishment for maiming or disabling certain animals.
1821.
24. 2

81. Whoever shall wantonly, maliciously, or cruelly beat, maim or disable any of the animals specified in the foregoing section, without some lawful excuse for so doing, and shall be thereof duly convicted, shall be fined in a sum not exceeding one hundred dollars, or imprisoned not exceeding one month, at the discretion of the court having jurisdiction of the cause, and shall be moreover liable to pay to the owner any damage he may sustain in consequence thereof, and pay the costs of prosecution.

Prosecution by indictment.
1821.
24. 3

82. It shall be the duty of the Attorney General or the District Attorneys of this State, to prosecute by indictment in their respective districts, where the offence may have been committed, any person who may have been guilty of either of the offences above enumerated, upon information being given to him on oath by any person or persons whomsoever.

NUISANCE, OBSTRUCTING PUBLIC WAYS AND NAVIGATION.

Nuisances, how punished.
1818.
166. 6

83. Whoever shall be guilty of making or erecting any common nuisance in or upon any highway, bridge, or public river or bayou in this State, shall suffer fine or imprisonment, or both, at the discretion of the court, and the court may besides order such nuisance to be destroyed, abated or removed.

Penalty for obstructing water courses.
1834.
104. 1

84. Whoever shall fell or throw any tree or trees or parts thereof, or cause the same to be felled or thrown into any navigable river, bayou, creek, bay or lake within this State, or in any other manner do or cause to be done, any act with a view wilfully to obstruct the navigation thereof, or render the same dangerous or difficult, and shall permit such tree or trees, or parts thereof to remain in said river, creek or bayou for a longer space of time than forty-eight hours, shall on conviction thereof, on information or indictment before any court of competent jurisdiction, be fined for each tree or part thereof, or other obstruction that may remain for a greater length of time than aforesaid, a sum of not less than twenty dollars nor more than one hundred dollars, at the discretion of the court; and the person or persons so convicted may be committed to prison by order of the court for not more than twenty days, if said fine and costs are not paid.

No outlet of the Mississippi to be stopped.
1835
151. 9

Penalty for so doing.

Proviso.

85. It shall not be lawful to stop any outlet or natural bayou of the Mississippi; and should any such be closed, the opening of it may at any time be ordered by the Board of Public Works; and any person or persons who may have caused the closing of such outlet or bayou, shall be liable for all the expense necessary for the reopening, and such other damages, not less than one thousand dollars, nor more than ten thousand dollars, at the discretion of any court of competent jurisdiction; Provided that this section shall not apply to any bayous already closed, and that may hereafter be opened by crevasses.

Penalty for receiving money for landing embarkations

86. Any person who shall be convicted of having received any compensation for the landing of any embarkation before his land or for any other use permitted by the laws of this State, which

provide that the shores of navigable rivers shall remain free for the common use of all men, shall for each contravention of that kind, be fined in a sum not less than five hundred dollars; Provided that the present provision shall not be applicable to the duties which corporations of cities or towns have a right to establish in their ports.

on the shores of the
rivers.
1808
6. 4
Proviso.

87. If any person or persons shall willingly place any obstruction or obstructions upon any railroad or railway, heretofore made, or that may hereafter be made, within the State of Louisiana, with intent to hinder, obstruct, impede or endanger the free passing thereon, he or they shall, if a free person, on conviction thereof, be imprisoned not exceeding six months, nor less than one month, and fined not exceeding five hundred dollars, nor less than one hundred dollars.

Obstructions on
railroads, &c., how
punished.
1833
138. 1

88. Any person who shall unlawfully or intentionally injure, molest or destroy any of the electric telegraph posts, abutments, or the materials or property belonging thereto, or who shall molest or interfere with, or in any way interrupt the use or operation of any line or lines, or parts thereof, shall, on conviction thereof, be deemed guilty of a crime, and be punished by fine not exceeding five hundred dollars, or imprisonment in the penitentiary not exceeding one year, or both, at the discretion of the court having cognizance thereof.

Penalty for un-
lawfully injuring
the lines of electric
telegraphs.
1848
33. 2

89. When any person shall construct a milldam on any of the streams of the parishes of Washington, St. Tammany and St. Helena, it shall be his duty to leave a lock or passage of at least fourteen feet in width through said dam for the passage of rafts or boats, and in default thereof, shall be liable to pay a penalty of ten dollars for each day that the stream shall remain obstructed by said dam, to be recovered before any court of competent jurisdiction, for the use of the parish in which said dam shall be situated.

Mill dams in 8th
district.
1834
115. 2

DISORDERLY HOUSE.

90. Whoever shall be guilty of keeping any disorderly inn, tavern, ale house, tipling house, gaming house or brothel, shall suffer fine or imprisonment, or both, at the discretion of the court, and the offender may likewise be adjudged to lose and forfeit whatever license he or she may have obtained to keep a house of public resort or entertainment. If the keeper of any tavern, lodging or boarding house, shall knowingly receive, harbor, lodge or conceal any deserter from any merchant vessel, such person so offending shall, on conviction, by information or indictment, forfeit the sum of one hundred dollars, or shall be confined, not exceeding thirty days, at the discretion of the court.

Punishment for
keeping a disorder-
ly house.
1818
166.

91. No person shall be allowed to keep a grog or tipling shop, or retail spirituous or intoxicating liquors, without previously obtaining a license from the police jury, or town, or city corporation of the parish in which they shall keep such grog or tipling shop, or retail spirituous or intoxicating liquor, under the pain of being criminally prosecuted, and, on conviction, of being fined not less than one hundred dollars, nor more than five hundred dollars; and in default of paying such fine and costs, of being imprisoned not less than fifteen days nor more than four months:

Penalty against
harboring, &c., de-
serters
1822
6. 5

Penalty for ven-
ding spirituous li-
quors without li-
cense.
1832.
166. 7

Provided, that nothing contained in this section shall be construed to extend to licensed tavern keepers, or keepers of billiard tables.

GAMING.

92. All gaming houses and banking games in this State are hereby suppressed.

Gaming houses and banking games suppressed.

1835.

134. 1

Penalty for keeping gaming houses and banking game.

1835.

134. 2

Responsibility of the house in which illegal gaming is carried on.

93. If any person or persons shall keep a gaming house or banking game, or shall aid or assist in keeping a gaming house or banking game, every such person or persons so offending, on conviction thereof, shall, for the first offence, be fined not less than one thousand dollars, nor more than five thousand dollars; and shall, on conviction of a second offence, be fined not less than five thousand dollars, and be imprisoned at hard labor in the penitentiary for a term not less than one year, or more than five years; and in all cases, the house in which such illegal game is carried on, or shall be held, shall be responsible for the fines imposed on persons for such illegal gaming within the same.

Penalty of owner of house in which banking game is played.

1835.

134. 3

Fines, how paid.

1836.

158. 1

Persons offending against this act by whom may be arrested.

1835.

194. 4

Duty of the officer before whom they may be brought.

Captors or seizers declared competent witnesses.

Trial before a Court of competent jurisdiction.

94. The owner of the house in which a banking game or games shall be played, shall be deemed and held guilty of aiding and assisting in keeping and playing such game or games, and shall, on conviction thereof, be fined not less than one thousand dollars, or more than five thousand dollars for the first offence, and on conviction a second time, shall be fined not less than five thousand dollars, nor more than ten thousand dollars, and be imprisoned not less than one year, nor more than five years, at the discretion of the Court. The fines specified in this and the preceding section shall, when collected, be paid, one half to the informer, and the other half to the use of the Charity Hospital of New Orleans.

95. It shall be lawful for any public officer or officers, private person or persons, who shall discover a gaming house, or banking game or games, kept or played contrary to the true intent or meaning of this and the three preceding sections, to arrest and take into their custody the person or persons so keeping or playing the same, or aiding or assisting therein or thereat, together with all the tables, money, representative of money, implements and other paraphernalia of such gaming house or banking game, and which may be used in the keeping of such banking house, or in playing such banking game or games, and take, or cause the same to be taken before any officer of the place, holding a commission of the peace, whose duty it shall be to take testimony touching and concerning the keeping of such gaming house, or playing at such banking game or games, and the arresting of the person or persons keeping the same, or playing thereof, their aiders or assisters, and the seizure of such banks, the money therein, and the implements and paraphernalia thereof, (the captors or seizers hereby being declared competent witnesses); and if upon a hearing of the case he shall deem that the law has been violated, either by keeping a gaming house, or aiding or assisting therein, or by playing at any banking game, or aiding or assisting therein, such offender or offenders shall be committed for trial before the Court of competent jurisdiction of the place: And it shall further be the duty of the officer so committing such

offender or offenders, to take an inventory of all such money, or the representative thereof, tables or other implements or other paraphernalia of such gaming house or banking games, that may be seized and brought before him; all of which shall, on conviction, be forfeited, one half of which shall be for the use of the informer, and the other half for the use of the prosecuting attorney.

Inventory.

Forfeiture.

96. If any person holding an office of honor, trust or profit, under the laws of this State, shall be found guilty of keeping a gaming house, or playing or betting against any banking game, he shall be deemed and held guilty of a high misdemeanor, and incapable of holding any office in this State.

Penalty against persons holding office.
1835.
135; 5.

97. In all cases where conviction has taken place under the foregoing provisions of law, and the parties convicted are unable to pay the fine imposed, it shall be the duty of the attorney for the State in the respective districts, to institute process against the owner of the house, before any court of competent jurisdiction, for the recovery of the same: Provided, that in no case shall any other property be liable for any judgment obtained, excepting the premises in which the gaming shall have taken place.

Duty of District Attorney in certain cases.
1835,
135; 7.

Proviso.

98. It is hereby made the imperative duty of the Attorney General, and the several District Attorneys, and all officers, conservators of the peace, in this State, to use their best efforts in endeavoring to enforce the foregoing provisions of law; and upon refusal or neglect to enforce the same, when duly informed of the contravention of its provisions, such officer shall, for such neglect or refusal, be liable to impeachment and removal from office. All persons engaged in gambling, where no current money is actually exhibited or employed, but where in lieu of such current money, pieces of bone or any other material or substance being the representative of money, in virtue of any express or tacit understanding among the parties engaged in gambling, the house in which any banking game may be so kept, and the persons aiding in keeping such house, or such game, and all persons playing or betting for or against such game, shall be deemed and taken to be within the prohibitions of the preceding sections against gaming; and the house in which such gaming may take place, and all the persons so engaged in the same, shall be liable to all the responsibilities and subject to all the penalties, forfeitures and punishments prescribed in the said preceding sections, in the same manner in all respects as if the said game or games had been carried on with or for current money. In all prosecutions which may take place under the preceding sections against gaming, the informer who may be entitled to a portion of any of the penalties or forfeitures therein prescribed, shall not on that account be incompetent as a witness in any such prosecution; but the testimony of such witness shall be left with other testimony and circumstances to be weighed by the jury empanelled to try such prosecution.

Duty of Attorney General and others.
1835.
136; 8.

Penalty.

Gambling with bone or other representatives of money within the prohibitions of the preceding sections.
1836.
158; 2.

Informers and others interested, competent to give testimony.
1836.
148; 3.

BETTING ON ELECTIONS.

99. Any person or persons who shall, either directly or indirectly, bet, stake or hazard any money, or other property or other consideration upon any election of this State, or any balloting for

Fine imposed
1839.
90; 1.

any member of the Legislature, or for any other officer of this State or of the United States, shall be liable to prosecution by indictment or information in any court of competent jurisdiction, and on conviction, shall be fined in a sum not less than the amount of money or the value of the property bet, staked or hazarded, nor more than double such amount.

Fines how disposed.

1839.
90; 2.

100. All fines imposed under the preceding section, when collected by the proper officer of the parish in which the conviction shall have been obtained, shall by him be paid over to the treasurer of the common school fund of such parish, which shall be used and appropriated by the trustees of said fund in the same manner as are used the appropriations made by the State for public education in the several parishes, under the laws providing therefor.

Duty of the Attorney General and District Attorneys.

1839
92; 3.

101. It shall be and it is hereby made the duty of the Attorney General of the State, and of the several District Attorneys, to prosecute all offences against the foregoing sections, and report on the first Monday of January in each year, to the trustees of the common school fund in the several parishes in their respective districts, the names of all persons who shall have been convicted under the same during the preceding year, together with the amount of the fine imposed upon each.

Duty of District Judge and Grand Jurors.

1839.
92; 4,

102. It shall be and it is hereby made the duty of the several District Judges, and of Grand Juries in the several parishes in this State, to give the foregoing sections especially in charge at each and every term of their respective courts.

LOTTERIES.

Lotteries generally prohibited.

1841.
22. 1

Cons. Sec. 116.

103. Every person who shall set up or promote any lottery for money, or shall dispose of any property of value real or personal, by way of lottery, or shall set up any such property to be disposed of by way of lottery, and every person who shall aid, either by printing or writing, or shall in any way be concerned in the setting up, promoting, managing or drawing of any such lottery, or who shall in any house, shop or building owned or occupied by him, or under his control, knowingly permit the setting up, managing or drawing of any such lottery, or the sale of any lottery ticket, or share of a ticket or any other writing, certificate, bill, token, or other device, purporting or intending to entitle the holder, bearer, or any other person to any prize, or to any share of or interest in any prize, to be drawn in a lottery, shall for every such offence be punished by a fine of not less than one thousand dollars, and not more than ten thousand dollars, and by imprisonment in the parish jail not less than three months, nor more than one year.

Penalty.

Prohibition to sell or negotiate tickets.

1841.
23. 2

104. Every person who shall sell either for himself, or for any other person, or shall offer for sale, or shall have in his possession with intent to sell, or to offer for sale or to exchange or negotiate, or shall in any wise aid or assist in the selling, negotiating or disposing of a ticket in any such lottery, or a share of a ticket or any such writing, certificate, bill, token, or other device as is mentioned in the preceding section, shall be punished for every such offence by a fine not exceeding five thousand dollars.

Penalty.

105. Every person who shall advertise any lottery ticket, or any share in any such ticket, for sale, either by himself or by another person, or who shall set up, or exhibit, or shall devise or make, for the purpose of being set up or exhibited, any sign, symbol, or any emblematical or other representation of a lottery, or of the drawing thereof, in any way indicating where a lottery ticket, or a share thereof, or any writing, certificate, bill, token, or other device before mentioned, may be purchased or obtained, or shall in any way invite or entice, or attempt to invite or entice any other person to purchase or receive the same, shall be punished for every such offence, act, or attempt, by a fine not less than one hundred dollars and not more than five hundred dollars.

Prohibition of all advertisements and signs emblematical of lotteries.
1841.
23. 3

106. The fines specified in the three foregoing sections shall, when collected, be paid, one-half to the informer and the other half to the use of the Charity Hospital of New Orleans, and in all prosecutions under this act, the informer shall be a competent witness.

Fines divided between informer and Charity Hospital.
1841.
24. 5

107. Every grant, bargain, sale, conveyance or transfer of any real estate, or of any personal property, which shall hereafter be made in pursuance of any lottery not authorized by the laws of this State, or for the purpose of aiding or assisting in such lottery, are hereby declared void and of no effect: and all sums of money and every other valuable thing drawn as a prize, or as a share of a prize in any lottery by any person, contrary to the provisions of the foregoing sections, shall be forfeited to the use of the State of Louisiana, and may be recovered by an information to be filed, or by a civil action to be brought by the Attorney General, or any District Attorney in the name and in behalf of the State.

Sales of property in pursuance of lotteries. null and void.
1841.
23. 4

108. It shall be the duty of the presiding judge of every court of criminal jurisdiction in this State, especially to charge every Grand Jury to inquire into all violations of the laws against lotteries, and against the unlawful selling of tickets in lotteries.

Duty of Attorney General.

109. The Attorney General and the several District Attorneys who may prosecute under the provisions of this act shall be entitled to retain out of any amount recovered by them under the provisions of this act, twenty per cent. as a compensation for their services.

Duty of Judges and Grand Juries.
1841.
24. 6

Compensation to Attorney General and District Attorneys.
1841.
24. 7

110. Any person who shall sell or otherwise dispose of any lottery ticket in this State, or shall draw any lottery therein, shall, on conviction, be subject to a fine of not less than one thousand dollars, and not more than five thousand dollars; and be imprisoned not less than three months, nor more than one year.

Selling lottery tickets and drawing lottery tickets, penal.
1838.
136.

DISTURBING PUBLIC ASSEMBLIES.

111. Any person or persons who shall maliciously disturb or cause any disturbance to be made whereby any peaceable assembling of the people is disturbed, he, she or they shall be considered as having committed a breach of the peace, and shall upon conviction thereof, be fined in a sum not exceeding one hundred dollars and imprisonment for a term not exceeding ten days at the discretion of the court, and that for any second conviction the punishment shall be doubled.

Persons disturbing peaceable assembling of the people.
1840
11; 1

112. It shall be the duty of any justice of the peace, upon affi-

Such persons,
how bound over.
1840
11; 2

davit, to bind the parties complained of, who shall give sufficient security for their appearance at the next term of the District Court, where they shall be prosecuted in the same manner as for breaches of the peace.

OTHER OFFENCES.

Prison breaking.
1805
436; 28

113. Whoever, being lawfully imprisoned, shall break or conspire to break prison: whoever shall take any reward under pretence of helping the owner to his stolen goods; whoever shall compound any felony; whoever shall falsely and maliciously conspire to indict an innocent man of any felony, who shall be accordingly indicted and acquitted; every such offender shall, upon conviction for any of the aforesaid offences, suffer fine or imprisonment, or both, at the discretion of the court.

Conspiring to
have innocent per-
sons indicted.

Riot, breaking
levee, defamation.
1805
438; 31

114. Whoever shall make or knowingly assist at any rout, riot, or unlawful assembly; whoever shall willingly and maliciously pull down and destroy any levee or embankment on any of the rivers or navigable waters of this State; whoever shall maliciously defame any person, by making, writing, publishing, or causing to be published, any manner of libel, shall, on conviction thereof, suffer fine or imprisonment, or both, at the discretion of the court.

BURNING OF PRAIRIES..

Prohibition.
1845
86; 1

115. No person shall set fire to, or burn or cause to be burned any prairie or woodland within the parishes of St. Charles, Jefferson, Orleans, St. Bernard and Plaquemine; Provided the same be not owned by or legally in the possession of the person or persons so burning or causing to be burned, or with the consent of the owner or possessor as aforesaid; Provided, that under no pretext whatever said fire shall extend beyond the limits so possessed.

Penalty.
1845
87; 2

116. Whoever shall contravene any of the provisions of the preceding section, upon due conviction before the court having criminal jurisdiction in the district in which the offence shall have been committed, shall suffer a fine of not less than fifty dollars, nor more than five hundred dollars, one-third for the use of the State, one-third for the informer, and one-third for the prosecuting attorney, and imprisonment for not more than thirty days.

Bail.
1845
87; 3

117. It shall be the duty of any judge or justice of the peace before whom complaint shall be made under oath of the violation of any provision of the above sections, to cause the person so accused to be brought before him; and upon sufficient testimony he shall, in default of good and sufficient bail, commit the accused to custody to answer the charges before the proper court.

ACCESSORIES.

Accessory before
the fact, how pun-
ished.
1818.
168; 8.

118. Whoever shall be convicted as accessory before the fact to any crime or offence, shall suffer the same kind and extent of punishment, according to the circumstances of the case, as might lawfully be inflicted upon the principal offender for such crime or offence.

Accessory after
the fact, how
punished.
1818.
168; 9.

119. Whoever shall be convicted as accessory after the fact to any crime or offence, shall suffer fine or imprisonment, or both, at the discretion of the court.

120. If any person, having knowledge of the actual commission of the crime of wilful murder, rape, arson, robbery, burglary,

or larceny, shall conceal, and not as soon as may be, disclose and make known the same to some one of the judges, or other persons in civil authority within this State, on conviction thereof, such person or persons shall be adjudged guilty of misprision of felony, and shall pay a fine not exceeding three hundred dollars, and may also at the discretion of the court suffer imprisonment at hard labor, or otherwise, not exceeding twelve months.

Misprision of any
crime, how pun-
ished,
1805.
420 ; 11.

KIDNAPPING.

121. Whoever shall forcibly seize and carry out of this State, or from one part of this State to another, or shall imprison or secrete any free person without authority of law, shall be deemed guilty of the crime of kidnapping, or whosoever shall aid, advise or abet in forcibly seizing and carrying out of this State, or from one part of this State to another, or in imprisoning or secreting any free person without authority of law, shall in like manner be deemed guilty of the crime of kidnapping, and on conviction thereof shall be imprisoned at hard labor or otherwise, for a period not exceeding five years at the discretion of the court.

Definition of the
crime of kidnap-
ping.
1850.
207 ; 1.

Penalty.

122. Whoever shall take with or without his or her consent, any free male child under the age of fourteen years, or any free female child under the age of twelve years, from the custody of his or her parent or parents, tutor or tutors, or guardian or guardians, without authority of law, shall in like manner be deemed guilty of the crime of kidnapping, or whoever shall aid, advise or abet in taking away, with or without his or her consent, any free male child under the age of fourteen years, or any free female child under the age of twelve years, from the custody of his or her parent or parents, tutor or tutors, guardian or guardians, without authority of law, shall in like manner be guilty of the crime of kidnapping, and on conviction thereof shall be imprisoned at hard labor or otherwise, for a period not exceeding five years at the discretion of the court.

Continuation of
said definition.
1850.
207 ; 2.

Penalty.

123. If any person or persons shall, without due process of law, seize and forcibly confine, or inveigle or kidnap any negro, mulatto, or other person of color, not being a slave, with intent to send him within or out of this State against his will, or shall conspire with any other person or persons, or aid, abet, assist, command or procure any other person to commit the said offence, such person or persons so offending shall, on conviction of any of the said offences, be fined or imprisoned, or both, at the discretion of the court before which such conviction shall be had, such fine not to exceed one thousand dollars, and such imprisonment not to exceed fourteen years at hard labor or otherwise.

Confining, inveig-
ling or kidnapping
any free negro.
1819.
64 ; 6.

124. Every person who shall be a second time or oftener convicted of any offence of kidnapping, as mentioned in the preceding section, shall be imprisoned at hard labor not exceeding twenty years.

Recidivation.
1819
64. 7

INCITING SLAVES TO INSURRECTION.

125. If any persons shall, by words, action or writing, or in any other manner whatsoever, persuade, encourage, or advise any slave or slaves to insurrection, against his, her, or their lawful proprietor or proprietors, or against the white inhabitants of

Punishment of
persons inciting
slaves to insurrec-
tion.
1806.
124 ; 3.

this State, or the government thereof, such person on conviction thereof, shall suffer death.

Punishment for causing discontent among free colored people, and insubordination among slave
1830,
96; 1.

126. Whosoever shall write, print, publish or distribute, any thing having a tendency to produce discontent among the free colored population of the State, or insubordination among the slaves therein, shall, on conviction thereof, before any court of competent jurisdiction, be sentenced to imprisonment at hard labor for life or suffer death, at the discretion of the court.

Punishment for using language, in public or private, tending to create discontent and insubordination.
1830,
96; 2.

127. Whoever shall make use of language in any public discourse, from the bar, the bench, the stage, the pulpit, or in any place whatsoever; or whoever shall make use of language in private discourses or conversations, or shall make use of signs or actions having a tendency to produce discontent among the free colored population of this State, or to excite insubordination among the slaves therein, or whosoever shall knowingly be instrumental in bringing into this State, any paper, pamphlet, or book, having such tendency as aforesaid, shall on conviction thereof, before any court of competent jurisdiction, suffer imprisonment at hard labor not less than three years, nor more than twenty one years, or death, at the discretion of the Court.

Teaching slaves to read and write, prohibited.
1830
96. 3

128. All persons who shall teach, or permit or cause to be taught, any slave in this State, to read or write, shall on conviction thereof before any court of competent jurisdiction, be imprisoned not less than one month nor more than twelve months.

Duty of Attorney General and District Attorneys.
1839.
96; 4.

129. It shall be the duty of the Attorney General and the several District Attorneys of this State, to prosecute to the best of their abilities each and every violation of the three foregoing sections, whenever it shall come within their own knowledge, or be derived from the information of others, that these provisions have been violated; and in case the said Attorney General and District Attorneys, or either of them, shall refuse or neglect, under any pretence whatever, to prosecute the person or persons so offending against said provisions, they shall, on due proof thereof, be liable to be removed from office.

Duty of Judges
1830.
96; 5.

130. It shall be the duty of the judges of the criminal jurisdiction in this State, to give the said three sections in charge to the Grand Jury, at each term of their respective courts.

TRANSPORTING OR CARRYING AWAY SLAVES.

Penalty for carrying away slave.
1816.
8; 1.

131. If any master or commander of any ship, vessel, or other water craft in this State, or any other person, shall carry and convey out of the same, on board of any such ship, vessel, or other water craft, any slave or slaves, the property of any person or persons of this State without the consent of the owner or owners of the said slave or slaves previously obtained, or shall take and receive on board of any such ships, vessels, or other water craft, any such slave or slaves, or permit or suffer the same to be done, with the intent and for the purpose of carrying and conveying such slave or slaves out of this State, or shall wickedly and willingly conceal and permit to be concealed on board of any such ship, vessel, or other water craft, any slave or slaves who shall or may hereafter abscond from their master or mistress, with the intent and for the purpose of enabling such slave or slaves to effect his, her, or their escape out of this State, every

such master or commander of any such ship, vessel, or other water craft, or any other person, so carrying and conveying, or so taking, receiving and concealing, or causing or permitting the same to be done with an intent as aforesaid, shall be subject to a criminal prosecution, and on conviction of any of the said offences, shall suffer imprisonment at hard labor for a term not exceeding seven years and not less than three years, and moreover, the said master or commander, or any other person, shall be sentenced to pay all the damages that the owner or owners of the said slave or slaves may have suffered thereby, which damages shall be assessed by the same jury who shall give their verdict on the criminal prosecution: Provided, that whenever any slave or slaves shall be found on board any ship, vessel, or other water craft, the presumption shall be that such slave or slaves were received or concealed on board said ship, vessel or other water craft, with the intent aforesaid, saving to the party accused, the right of showing the contrary.

132. If any person or persons shall carry or convey, or attempt to carry and convey out of this State, by land, any slave or slaves, being the property of any person or persons of this State, without the consent of the owner or owners of the said slave or slaves previously obtained, with the intent of making such slave or slaves effect his, her, or their escape out of this State, such person or persons, on conviction thereof, shall suffer the same punishment and be liable to the same damages as directed by the previous section; Provided, that whenever any person or persons shall be found in the act of carrying, and conveying, or of attempting to carry or convey, any slave or slaves out of this State, the presumption shall be that the same is done with the intent aforesaid.

Penalty for transporting a slave by land.

1816.
8. 2

133. If any master or commander of any ship, vessel or other water craft, happens to discover any slave or slaves concealed on board, it shall be their duty, if still in the river, or within the limits of this State, to land the said slave or slaves to the nearest place, and there to deliver him, her, or them, to any judge, justice of the peace, sheriff, jailer, or in defect thereof, to any inhabitant of the said place, that he, she, or they, may be sent to their master; and if the said master or commander refuses or neglects to perform the requisites contained in this section, he shall be liable to the same punishment and damages which are mentioned in the preceding one hundred and twenty-seventh section.

Masters of vessels on finding a slave on board, shall land the same.

1816.
12. 5

134. If any person or persons who did mortgage any of his slaves to another, shall transport or attempt to transport, or cause to be transported out of this State, the said slave or slaves thus mortgaged, in fraud of the mortgages, such person or persons thus offending, and their aiders and abettors, shall, on conviction of any of the said offences, suffer the same punishment and be liable to the same damages as directed by the preceding one hundred and twenty-seventh section.

Penalty for transporting a mortgaged slave.

1816.
12. 6

135. No master or commander of any ship, vessel, or other water craft, shall transport, or attempt to transport, any negro, mulatto, man or woman, or other person of color, out of this

Free people of color, before leaving the State, shall be inspected.

1816.
10. 3

State, on any pretence whatsoever, until he shall have produced the said negro, mulatto, man or woman, or person of color, before the Mayor, if in the parish of Orleans, or before any District Judge of the parish in which his ship, vessel or water craft shall lie, and shall have made out and lodged with said Mayor or judge, a written declaration, signed by him and containing a description of the said negro, mulatto, man or woman, or person of color, together with his name and surname, probable age and alleged place of birth or residence, and the port to which the said master or commander may be bound; and until he shall have satisfied the said Mayor or Judge by authentic written proof, or by the oath of two credible witnesses residing in said parish, or by the affidavits made before the judge of the parish from whence said negro, mulatto, man or woman, or person of color is come, by two credible witnesses domiciliated therein, that the said negro or mulatto, man or woman, or person of color is free, or until he shall have produced to the said Mayor or Judge, the written direction of the owner of such negro or mulatto, man or woman, or person of color, commanding or permitting him to carry him or her out of this State, and when the said master or commander shall have so done, it shall be the duty of the said mayor or judge, as the case may be, to keep and retain the said declaration in his office, and to grant him a written certificate thereof.

Penalty for neglect or refusal.
1816;
12. 4

136. Every master or commander of a ship, vessel or other water craft, neglecting or refusing to perform the requisites imposed by the preceding section, shall pay and forfeit the sum of five hundred dollars for every slave by him so carried or attempted to be carried away out of this State, one moiety to the State, and the other moiety to the informer, to be recovered, with costs, by information filed in any competent court, and moreover such master or commander shall be liable to the suit of the party aggrieved, for his or her damages, and in both suits the said master or commander shall give bail or surety for his appearance.

Stealing, carrying away, or inveigling of slaves.
1819.
62. 3

137. All and every person and persons who shall inveigle, steal, or carry away any negro or other slave or slaves, or shall hire, aid or counsel any person or persons to inveigle, steal or carry away as aforesaid, any such slave, so as the owner of such slave or slaves shall be deprived of the use and benefit of such slave or slaves, or shall aid any such slave in running away, or departing from his master's service, such person or persons so offending, on conviction of any of such offences, shall suffer imprisonment at hard labor for a term not less than two years, nor more than twenty years.

Harboring or concealing runaway slaves, or cutting iron chain or collar.
1819.
64. 5

138. If any person or persons shall harbor or conceal any runaway slave or slaves, or fugitives from their masters, knowing that they are such, or shall cut or break any iron chain or collar which any master of slaves should have used, in order to prevent the running away or escape of any such slave or slaves, such person or persons so offending shall, on conviction of any such offence be fined not less than two hundred dollars, nor exceeding one thousand dollars, and suffer imprisonment for a term not exceeding two years nor less than six months.

139. It shall be the duty of all persons who shall hereafter

carry on the business of shipping of seamen, previously to their engaging in the same, to give bond with two good securities, freeholders of said parish, payable to the Governor and his successors in office, in the penal sum of ten thousand dollars, conditioned as follows: that he, the said shipping master and his sureties shall be liable in solido, for the price and value of any slave or slaves who may have been regularly shipped by the said shipping master and carried out of the State of Louisiana, the same to be recovered by the owner or owners of such slave or slaves, with all damages accruing thereupon, by prosecution upon the said bond before any court of competent jurisdiction; Provided, that said bond shall not become void by the first or any other discovery, but may be put in suit and recoveries be had thereon as often as any breach of the condition may happen. And that any person or persons who shall act as a shipping master without complying with the foregoing conditions, shall be fined one thousand dollars and suffer imprisonment for six months at hard labor. In case of the death, bankruptcy, or removal from the State of the sureties to the above mentioned bond, the person so engaged in shipping seamen shall be compelled, within fifteen days after the happening thereof, to renew their bonds as above provided, and in case of neglect or refusal so to do, shall be fined five hundred dollars, together with costs in the manner above recited. Whenever the sureties above mentioned, or either of them, shall remove from the State, die, or become bankrupt, the bonds signed by them shall be considered as null and void as regards the person carrying on the business of shipping seamen.

Bond given by
shipping masters.
1839.
118. 1

Fine imposed on
shipping master for
non-compliance.

In case of the
death, bankruptcy
or removal of sure-
ty, bonds to be
renewed, under
penalty.
1843.
33.

140. Whenever any master or owner of any ship or vessel, steamboat or other craft, trading to the port of New Orleans, shall, while in said port, find it necessary to ship any seaman or seamen, cook or steward, for said ship or vessel, it shall not be lawful for them, under penalty of a fine of one thousand dollars and imprisonment at hard labor for six months, to employ any shipping master or other person, excepting they have complied with the foregoing section.

Penalty imposed
on master or owner.
1839.
120. 2

141. All fines incurred under the provisions of the two foregoing sections, shall be recovered for the benefit of the New Orleans Charity Hospital, and may be prosecuted at the instance of the said institution.

Fines for benefit
of Charity Hospital.
1839.
120. 3

142. The owner or owners of such ship, steamboat, or other water craft, and the master thereof, as well as the vessel, steamboats, or other water crafts, shall be liable to the owner of any slave so taken out of the State for the value of said slave.

Owners of ves-
sels liable to ow-
ners of slaves.
1839.
120. 4

143. No inhabitant of this State shall carry or knowingly permit to be carried away any slave, belonging to him, out of this State into any other State or foreign country, by the laws of which slaves are not tolerated, and all slaves carried out of this State in contravention to this section, shall be subject to all penalties and regulations provided for against free persons of color; and in case such slave or slaves be subject to a mortgage or privilege in favor of any creditor, that said creditor shall have the right to sue in damages the owner of said slave or slaves for a

No slave to be
carried to a free
State.
1842
314. 9

Penalty.

sum not exceeding one thousand dollars for each slave thus carried out of this State.

AGAINST THE INTRODUCTION OF CERTAIN SLAVES.

Importation of
slaves convicted of
certain crimes pro-
hibited.

1817.
44; 1

To labor on pub-
lic works.

1842
522. 8.

Fine against im-
porter.

Fine against cap-
tains transporting
slaves so convict-
ed to this State.

1817
46. 4

Vessel forfeited.

Fine against sel-
lers and purcha-
sers.

1817.
46. 5

Burden of proof
on importer.

1817.
48 6.

Unlawful to in-
troduce slaves ac-
cused of conspira-
cy or insurrection.

1829.
48. 13

144. No slave shall be imported or brought into this State, who shall have been convicted of the crimes of murder, rape, arson, manslaughter, attempt to murder, burglary, or having raised or attempted to raise an insurrection among the slaves in any State of the Union or elsewhere; and if any such should be, they shall, on conviction thereof be condemned to hard labor on the public works of this State: and every person who shall import or bring into this State such slave, knowing that they have been convicted of any of the above mentioned crimes, shall, upon conviction before any court of competent jurisdiction, be fined for each and every such slave in the sum of five hundred dollars, one half to be applied to the use of the State, and the other half to the use of the informer.

145. Any captain or master who shall receive on board of his vessel, boat, flat boat, or pirogue, raft, or other water craft, and transport to this State any of the slaves or other persons above mentioned, knowing that they were sentenced or convicted as aforesaid, shall be condemned to pay a fine of five hundred dollars, one half for the benefit of the State, and the other half for the benefit of the informer; and moreover, every vessel, boat, flat boat, or pirogue, raft or other water craft, on board of which such slaves or other persons shall have been transported, as also the tackle, apparel, and furniture of said vessel, shall be forfeited to this State.

146. Any person who shall have been convicted of having bought or sold any of the said slaves or other persons, as above described, knowing that at the time of sale or purchase, the said slaves or said other persons were of the number of slaves or other persons whose introduction is prohibited by the two preceding sections, shall be condemned to a fine of five hundred dollars, one half for the benefit of the State, and the other half for the benefit of the informer.

147. In all such cases, the burden of proof shall be on the person who imports, or brings or claims the said slaves or free persons: Provided, that in all cases, the production of the certificate of the clerk of the county from whence they are imported or brought, accompanied with the certificate of the Governor of this State, shall be received as prima facie evidence.

148. It shall be unlawful for any person, whether a citizen of this State or not, to introduce, for any purpose, or under any pretext whatever, any slave or slaves who shall have been accused of any conspiracy or insurrection, or who had resided in any county of any State or Territory of the United States, during the time of any conspiracy or insurrection in such county, and any person who shall be convicted of having introduced any slave or slaves accused or resident as aforesaid, shall be fined in a sum not less than one thousand dollars nor more than five thousand dollars; and shall suffer imprisonment for a period not less than one nor more than five years; provided, that when more than two years shall have elapsed from the time when the said con-

spiracy or insurrection shall have taken place, the prohibition enacted by the present section shall not extend to slaves who may have been residing in the said county at the time when said conspiracy or insurrection took place, and were neither engaged or accused of having had any agency therein; and it shall be lawful to prosecute to conviction and punishment any person accused under the provisions of this section, at any time within three years after the commission of the offence.

Offences punishable any time within three years.

189

48. 14

149. No slave child, or children ten years of age, or under, shall be introduced into this State, unaccompanied by his, her, or their mother, if living, under penalty of a fine of not less than one thousand dollars, nor more than two thousand dollars, and an imprisonment of not less than six months nor more than one year; and in all trials for a violation of this section, the burden of proving the age of such child or children, and that his, her, or their mother was dead at the time of introducing them, shall be on the person accused.

Introduction of children under ten years of age, without their mothers, prohibited.

1829.

48. 15

1829.

44. 6

SELLING SPIRITUOUS LIQUORS TO INDIANS.

150. If any person or persons shall sell or give any spirituous or intoxicating liquors to any Indian or Indians, the person so offending shall, upon conviction thereof, before a competent tribunal, forfeit and pay the sum of two hundred dollars, one half for the use of the parish, and the other half for the use of the party suing for the same, and moreover shall be liable for all mischiefs, injuries or damages as may be caused by said Indian or Indians while in a state of intoxication, produced as aforesaid, to the person or persons sustaining the same.

Liquor not to be sold to Indians.

1813.

10 1

Penalty.

CRIMINAL PROCEEDINGS.

1. All the crimes, offences, and misdemeanors specified by statute, shall be taken, intended and construed, according to and in conformity with the Common Law of England; and the forms of indictment, (divested, however, of unnecessary prolixity) the method of trial, the rules of evidence, and all other proceedings whatsoever in the prosecution of said crimes, offences and misdemeanors, changing what ought to be changed, shall be, except as is otherwise provided for, according to the said Common Law.

Trial to be on the principles of Common Law.

1805

440. 33

2. No conviction or judgment for any offence shall work corruption of blood, or subject the offender to any other forfeiture or penalty than such as is declared or specified by law.

Convictions work no corruption of blood.

1805

446. 40

3. Any person being adjudged to pay any fine, shall, in default of payment or recovery thereof, be adjudged to be imprisoned for a period not exceeding one year, unless otherwise specially provided by law.

In default of payment of fine, to be imprisoned.

188

168. 10

4. Whenever a person is sentenced to imprisonment for a certain time, and to pay a fine and costs, and to stand committed until they are paid, and the said person has not the means to make the payment, such person may, after the expiration of the time for which he was sentenced to imprisonment, and after having served said time, be enabled to take the benefit of the insolvent laws for said fine and costs, or either of them, in the same manner as common debtors in actual custody.

When a person sentenced to imprisonment, may take the benefit of the insolvent laws.

1830

64. 1

Fine and imprisonment

1818
168. 12

When not liable for costs.

1820
32. 1

Civil remedy preserved.

1817
164. 7

Mode of inflicting punishment of death.

1835
444. 38

Criminal's property, how disposed of.

1805
444. 39

Qualification of verdict.

1846
118. 1

Effect of qualified verdict.

1846
118. 2

Solitary confinement abolished.

1838
109. 4

State prisoners.

1834
100. 2

Limitations of prosecution.

1805
444. 37.

1844
80. 3

Proviso.

Form of indictment in certain cases.

1845.
47 r 3

5. Whenever the punishment of fine and imprisonment are left by law at the discretion of any court, the fine shall not exceed one thousand dollars, nor the imprisonment two years.

6. No person or persons shall be subject to the payment of costs, whenever acquitted by the court or jury.

7. In all criminal cases tried by the court, wherein any injury to the person or property of any person has been sustained, the party thereby injured has, notwithstanding the conviction, his remedy in the ordinary course of law.

8. The manner of inflicting the punishment of death, shall be by hanging the person convicted by the neck until dead.

9. The lands, tenements, goods and chattels of every person convicted of any crime or misdemeanor, shall, from the time when such person shall be committed to prison, charged with such crime or misdemeanor, be liable and subject in preference to all other demands whatever, (except dower and jointure,) in the first place, to the discharge of the expenses incurred by the State and Parish, in the prosecution and conviction of such offender.

10. In all cases where the punishment denounced by law is death, it shall be lawful for the jury to qualify their verdict, by adding thereto: "without capital punishment."

11. Whenever the jury shall return a verdict qualified as aforesaid, the person committed shall only be sentenced to hard labor for life in the State penitentiary.

12. That solitary confinement in the penitentiary be and the same is hereby abolished, except in enforcing obedience to the regulations in the police thereof.

13. All convicts sentenced to imprisonment at hard labor by any of the courts of this State having jurisdiction in criminal cases, shall be conveyed by the Sheriff of the parish in which the prisoner has been convicted, to the penitentiary-house at Baton Rouge, and there delivered to the keeper or keepers of the penitentiary: Provided, that the delivery of said convicts be subject to the formalities required by existing laws.

14. No person shall be prosecuted, tried or punished for any offence, wilful murder, arson, robbery, forgery and counterfeiting excepted, unless the indictment or presentment for the same be found or exhibited within one year next after the offence shall be discovered or made known to a public officer having power to direct the investigation or prosecution of the same. Nor shall any person be prosecuted for any fine or forfeiture, under any law of this State, unless the prosecution for the same shall be instituted within six months from the time of the incurring of the said fine or forfeiture being discovered or made known to a public officer having power to direct the investigation and prosecution of the same: Provided, that nothing herein contained shall extend to any person absconding or fleeing from justice.

15. In prosecutions for embezzlement or larceny of bank notes, checks, bills of exchange, promissory notes, gold, or silver money, or any other property of that kind, it shall not be necessary to set forth in the indictment a minute and detailed description thereof, but a general allegation of the amount or amounts, and

of the thing or things embezzled or stolen, shall be sufficient; and evidence of larceny or embezzlement of a part shall warrant a conviction.

16. Nothing in the statutes of this State contained respecting the boundaries of the several parishes into which the State is divided, shall, when the Mississippi river, a bayou, or other navigable water course, or lake, is said to be the boundary of any of said parishes, be so construed as to prevent the jurisdiction of said parish or parishes from extending to the very middle or centre of said Mississippi river, bayou, or other navigable water course or lake: nor shall the same be so construed as to prevent the District Court, within the jurisdiction of which such parish or parishes are situated from taking cognizance of any crime or offences that may have been committed, or may in future be committed within the limits of any of said parishes as herein more clearly defined. When any felony, crime, or misdemeanor shall be committed on the boundary or boundaries of two or more parishes, or within one hundred yards of any such boundary or boundaries as explained and more particularly defined above or, within one hundred yards of any other boundary or boundaries or shall be begun in one parish and completed in another, every felony, crime or misdemeanor may be dealt with, inquired of, tried, determined, and punished in any of the said parishes, in the same manner as if it had been actually and wholly committed therein.

Jurisdiction of any parish and of any District Court.

1836.
103; 1

Crimes committed on boundaries of parishes.

1836.
103; 2.

17. In all criminal prosecutions in the District Courts of New Orleans, St Bernard, Plaquemine, Jefferson, St. Charles and St. John the Baptist, for crimes and offences punishable by not more than two years' hard labor, the proceedings may be by information.

Criminal proceedings by information.

1841.
59; 1.

18. Every person who shall be accused and indicted for any capital crime, or any crime punishable with imprisonment at hard labor for life, or for seven years or upwards, shall have a copy of the indictment and list of the jury which are to pass on his trial, delivered unto him at least two entire days before he or she shall be tried for the same; and every person accused and indicted, shall be allowed and admitted to make his full defence by counsel learned in the laws; and the court before whom such person shall be tried, or some judge thereof, shall immediately upon his request, assign to such person such counsel as such person shall desire to whom such counsel shall have free access at all seasonable hours; and every such person or persons so accused and indicted, shall be admitted in his, her, or their defence, to make any proof he, she, or they can produce by any lawful witness or witnesses, and shall have the like process to compel his, her, or their witnesses to appear on his, her, or their trial, as is usually granted to compel witnesses to appear on the prosecution against him, her, or them.

Copy of indictment and list of jury, to be furnished prisoner.

1805.
440; 35

Prisoner allowed counsel.

May adduce evidence.

19. If any person on his or her arraignment for any offence, shall stand mute or will not answer to the indictment, the plea of not guilty shall be entered for him or her on the record, and the court shall, on either of said cases, proceed to trial of the person so standing mute, as if he or she had pleaded not guilty, and for

Standing mute no bar to trial.

1805.
442; 36.

trial put him or her self upon the county, and render judgment accordingly.

20. In all criminal prosecutions in this State for any crime or crimes, the punishment of which may be imprisonment at hard labor for a term of twelve months or more, the defendant or defendants in such prosecution or prosecutions shall be entitled to challenge peremptorily, and without showing any cause, any number of jurors not exceeding twelve, and this whether such imprisonment shall be peremptory or within the discretion of the Court.

21. In all criminal proceedings wherein the defendant is allowed peremptory challenges, the State shall also be allowed to challenge without cause any number not exceeding six: Provided, that the State shall no longer exercise the right of causing jurors to stand aside until the panel shall be exhausted.

CHANGE OF VENUE.

22. Upon application of the Attorney General or any of the District Attorneys of this State, the judges shall have power to change the venue in behalf of the State in any case where it shall be made apparent to the court that no competent jury of the parish can be had, after exhausting two successive panels.

23. When any person, indicted in any of the District Courts of this State for any offence punishable by death or imprisonment at hard labor, shall desire to change the venue, he or she shall make application to the District Judge presiding in the court in which the cause shall be pending: Which application shall be accompanied with an affidavit that he or she has good reason to believe, that by reason of prejudice existing in the public mind, or for some other sufficient cause, to be described by each party, he or she cannot obtain an impartial trial in the parish wherein the indictment is pending, and that the application is made as soon as could be, after the discovery of such prejudice or other cause as aforesaid, and that said application is not made to delay, but only to obtain an impartial trial.

24. Such application may be made orally in open court, or by petition in chambers, and shall be accompanied with proof, under oath of the party or his attorney, that reasonable notice has been given to the District Attorney of such application; and thereupon the judge shall hear the party making the application, as well as the Attorney representing the State; if, on such hearing and examination of the evidence adduced, he shall be of opinion that the party applying cannot have a fair and impartial trial in the parish where the indictment is pending, the judge shall award a change of venue to the adjoining parish of the same judicial district, or of an adjoining district, and, if possible, to that in which a district court shall next be held.

25. Whenever a change of venue shall have been awarded in a criminal case, it shall be the duty of the clerk of the Court in which the cause is pending, to make out a descriptive list of the indictment, pleas, and all other documents relating to such cause, and a copy of any order or orders which may have been entered on the minutes of the Court, in relation to such cause, and to deliver the same, together with the original indictment, and other

Peremptory challenge allowed to defendant.

1837.
49; 1

Peremptory challenge allowed to the State

1837.
49; 2.

Proviso,

Power granted to judges on application of Attorney General or district attorney.

1846.
109; 8.

Persons making application.

1846.
109. 9

Application, how made.

1846.
109. 10

Clerk of the Court to deliver indictment, copies of documents, &c.

1846.
109. 11

papers appertaining to the cause, to the sheriff of his parish, whose duty it shall be, immediately to deliver or forward the same to the clerk of the parish to which the cause shall have been removed; and for his services in so doing, the said sheriff shall receive a compensation from the treasury of his parish, to be fixed and ordered by the District Judge.

26. After a cause shall have been removed, as above provided for, such cause shall not be a second time removed under any pretence whatsoever.

Cause removed
1846.
109. 12

27. The clerk of the Court to which any criminal cause shall be thus removed, shall, on the receipt of the indictment and other papers, enter said cause upon the criminal docket of his court, and said cause shall be heard, tried and determined by said court, by preference, in the same manner as if the proceedings had originally been instituted therein.

Duty of clerk of
Court to which
case is removed.
1846.
109. 13

28. In all criminal causes where a change of venue shall be ordered, the sentence and judgment of the court shall be executed by the sheriff of the parish to which such cause may have been removed.

Execution of
judgment.
1846.
109. 14

29. No change of venue in a criminal case shall be awarded until the party accused shall have been arraigned and pleaded not guilty.

Change of venue
in criminal cases.
1846.
110. 15

30. When a change of venue shall be awarded on the application of a party in actual custody, it shall be the duty of the sheriff immediately to convey said party to the parish to which the cause shall have been removed, and to deliver said party to the sheriff of said parish, whose duty it shall be to hold said party in safe custody until otherwise ordered by the Court.

Party removed to
the parish where
the cause is removed.
1846.
110. 16

31. When a party obtaining a change of venue shall be at large upon bail, or in the custody of his securities, it shall be his duty to be and appear at the District Court of the parish to which the cause shall have been removed, and to attend at such court from day to day, and from term to term, and all bonds and recognizances entered into by the party accused and his securities, shall be and remain valid and binding against the said party and his securities, notwithstanding the change of venue, and in case of the non-appearance of the said party accused at the court to which the cause shall have been removed, judgment shall be entered up against the said party and his security or securities, in the same manner as if the case had remained in the parish from which it had been removed: Provided, that judgment may be entered up against the principal and securities in the court to which the cause shall have been removed.

Party obtaining
the change of venue,
to appear at the
Court, &c.,
1846.
110. 17

In case of failure
to appear, judgment,
&c.

SENTENCE.

32. No free person upon whom sentence or judgment of death shall be passed by any court of this State, shall be executed and put to death in pursuance of such judgment before the whole record of the proceedings in such case be certified by the clerk of the same court, under the seal thereof, to the Governor of this State, nor until a warrant shall be issued by the Governor under the seal of the State, with a copy of the record thereunto annexed, directed to the sheriff of the court wherein said sentence or judgment was passed, commanding the said sheriff to cause

Proceedings to be
copied and certified
1813
132; 1

Warrant.

Who to execute

the execution to be done on the person so condemned as aforesaid in all things according to the judgment against him or her; and it shall be the duty of the Sheriff to whom such warrant shall be directed, to execute the same in due form of law.

Duty of clerk.
1813
132; 2

33. It shall be the duty of the clerk of the court in which such judgment shall have been rendered, to make out a true copy of the record of all proceedings in such case, and to transmit the same without delay to the Governor of this State; and should the said record be received by the Governor during the recess of the Senate, he may, whenever he shall deem the same proper, delay awarding any warrant of execution until the end of the next session.

Whipping free
persons abolished.
1821
104; 7

34. That the punishment of whipping free persons, for whatever offence it may be, is hereby abolished.

Pillory.
1827
44; 1

35. No white person within the limits of this State, shall be sentenced to public exposure at the pillory.

Confinement in
the House of Re-
fuge.
1841
46; 3

36. The judges of the district courts of New Orleans are authorized and empowered to sentence all persons under the age of fifteen years, convicted of any crime, (excepting capital offences,) committed within either Municipality where a House of Refuge is established, to be confined within said House of Refuge.

INSANE PERSONS.

Duty of court.
1844
19; 1

37. Whenever any person who is or may be arrested, and in custody and in prison, to answer for any crime or crimes, offence or misdemeanor, before any of the courts of this State, having criminal jurisdiction, shall be acquitted thereof by the jury of trials, or shall not be indicted by the grand jury by reason of the insanity or mental derangement of such person, and the discharge and going at large of such person shall be deemed by the same court to be dangerous to the safety of the citizens or to the peace of the commonwealth, the said court be and is hereby authorized and empowered to commit such person to the Insane Asylum at Jackson, there to be detained until he or she be restored to his or her right mind, or otherwise delivered by due course of law.

1847
53; 11

Duty of grand jury.
1844
19; 2

38. Whenever the grand jury upon any enquiry which they may hereafter make as to the commission of any crime or misdemeanor by any person, shall omit to find a bill for the cause aforesaid, it shall be the duty of such jury to certify the same to the said court.

Duty of petit jury.
1844
19; 3

39. Whenever the jury of trials upon the general issue of not guilty shall acquit any person for the cause aforesaid, it shall be the duty of such jury, in giving in their verdict of not guilty, to state that it was for such cause.

ARRESTS AND COMMITMENTS.

Warrants against
accused persons,
executed through-
out the State.
1819
66; 10
Proviso:

40. All warrants for the arrestation of any person or persons, who shall have been accused of any crime or misdemeanor, and issued by any judge or justice of the peace, shall be executed throughout the State, and authorize the arrest of said person or persons: Provided, the said warrants be backed or endorsed by some magistrate of the parish where the said offender has fled or was found; and provided also, the said person or persons be remanded to the parish where the offence was committed.

41. When any person shall commit any offence in one parish and shall fly into another parish, on complaint thereof being made

to any justice of the peace of the parish where such offender shall be found, it shall be lawful for such justice, and it is hereby made his duty, to issue his warrant directed to the sheriff or any other proper officer to apprehend and bring such offender before such justice for examination, and such offender being arrested and brought before such justice, he, the said justice of the peace, shall proceed to examine him and the witnesses on behalf of the State, as in other cases, and if, on such examination, such justice should be of opinion such offender ought to be put on his trial for the alleged offence, he shall issue his warrant, directed to the sheriff of his parish, to receive such offender and him safely keep in his parish jail, until he can be transferred to the parish where the offence is alleged to have been committed, and as soon as may be, he shall cause the said offender to be conveyed under safeguard to the jail of that parish where the offence is so alleged to have been committed; and the sheriff of such parish shall be authorized to receive and hold said prisoner in his custody, until he shall be discharged in due course of law; and the said justice shall send also with said prisoner, the declaration, examination and deposition, as also the other papers relative thereto, to be delivered by the said sheriff to the clerk of the court in the parish to which the prisoner shall thus be transferred for trial; and the expenses attending the removal of such offender from one parish into another, as aforesaid, shall be allowed by the court to a reasonable amount, and shall be paid by the Treasurer of this State.

Criminal flying into another parish, how proceeded against.

1819
66; 15

Removal to the parish where the offence was committed.

Depositions, declarations, &c., for-
warded.

Expenses, how paid.

42. All process in criminal cases, issued by any judge or justice of the peace of the parish of Orleans, against persons charged with crimes or misdemeanors, conformably to the laws of this State, shall be executed throughout the parish of Jefferson, by the officer charged with the execution thereof, without being endorsed by the judge or a justice of the peace of said parish of Jefferson.

Process issued in New Orleans, may be executed in parish of Jefferson, &c.
1825
110 6

43. All process in criminal cases, issued by any judge or justice of the peace of the parish of Jefferson, against persons charged with crimes or misdemeanors conformably to the laws of this State, shall be executed throughout the parish of Orleans by the officer charged with the execution thereof, without being endorsed by the judge or justice of the peace of said parish of Orleans.

Process issued in Jefferson, may be executed in Orleans
1827
20 1

44. Whenever the Attorney General and the District Attorneys shall be informed that a crime or misdemeanor has been actually committed, and that no complaint or declaration thereof has been made before any judge or justice of the peace of their respective districts, it shall be the duty of the said Attorney General and District Attorneys, respectively, to enquire ex-officio into the fact, by causing all the persons they shall suppose to have some knowledge of the fact, to be summoned before some judge or justice of the peace, that their depositions may be taken.

When State Attorneys shall cause depositions to be taken.
1817
184. 8

45. It shall be the duty of every justice of the peace, to whom complaint is made, of any offence against the laws of this State by any person, to specify the name and surname of the offender, and also of the person who may have sustained the injury, in the declaration which shall be made before him of such offence, as

Duties of Justices of the Peace in taking declarations &c.
1819
66, 13

far as he shall have knowledge thereof by inquiry made on that subject, and moreover he shall specify therein the day, month, year, and place, when and where the offence complained of was committed.

Justices of the
peace shall receive
complaints, under
penalty.

1817

150; 5

Duties of justices
of the peace.

1805

390, 2

46. It shall be the duty of any justice or justices of the peace, to receive all the complaints which shall be presented to them respectively, with respect to criminal prosecutions, under the penalty of being removed from office.

47. It shall be the duty of the several justices of the peace, in and for the several parishes within this State, and they are hereby vested with full power to hear and examine all complaints of any breach of the peace or other crime or misdemeanor, committed in the body of the parish for which said justice shall have been appointed, and if any charge of breach of the peace, crime or misdemeanor, shall be established by the oath of one or more credible witnesses, then it shall be the duty of such justice of the peace, for any offence not punishable with death, or seven years' imprisonment at hard labor, or exclusively cognizable by the District Court, to take the bond of the party charged, with such surety as to the said justice may appear reasonable, conditioned for the appearance of the party accused at the next District Court for the said parish, and to transmit the said bond, with the declarations of the witnesses relative to such charge, to the clerk of the said court, to the end that such offender may be prosecuted according to law; and if the party so charged shall be accused on oath as aforesaid, of an offence punishable with death or seven years' imprisonment at hard labor, or shall refuse to give such security, it shall be the duty of such magistrate to commit him to the custody of the sheriff of the parish, who shall keep such offender in safe and sure custody, until he shall be delivered by due course of law; and on every such commitment, the magistrate making the same shall give his direction to the said sheriff in writing, signed with his hand, ordering the said sheriff to keep the said person so accused, in safe and sure custody, until delivered by due course of law, and shall substantially set forth the nature of the offence of which such person is accused; which commitment shall be a sufficient warrant and justification to the said sheriff or his deputy, for the detention and imprisonment of the party so charged.

Further powers
of justices of the
peace.

1805.

392. 3.

48. Such justices of the peace shall have full power in all cases in which there shall appear to them, by oath, that a breach of the peace has been committed, or that there is just cause to apprehend that a breach of the peace is intended, to cause the party charged with such breach of the peace or intention of breaking the same, to be brought before them respectively, and direct him to give such security as the said justice may deem reasonable, to keep the peace of the State and to answer to the offence if any has been committed, and in case of refusal to give such security to commit the party so charged (by warrant to be directed and drawn as aforesaid) to the custody of the sheriff of the parish, who shall thereupon imprison the said party, until he shall enter into such security as has been ordered, before the same or some other judge or justice of the said parish.

49. In all cases where any person shall be committed or bound over to appear and answer for any offence, it shall be the duty of the magistrate making such commitment or binding the said party over, to take bonds for the material witnesses, in such penalties as the said justices may deem reasonable, conditioned for the appearance of such witness at the then next district court, if in a case cognizable therein, to testify against the said person so charged, and shall transmit without delay such bonds, together with the affidavits taken in such case, and the examination, if any, of the party to the clerk of the district court of the parish.

May take bonds
for the appearance
of witnesses.
1805.
392. 4

50. It shall be the duty of the district judge, as well as of the justices of the peace, whenever there shall be brought before him any complaint or denunciation of any crime or offence, supported by the oath of one or more credible witnesses, to receive the said complaint and to cause the person accused to be arrested and brought before him, to be examined according to law; and when the person so accused or denounced shall have been brought before the said judge, it shall be the duty of the said judge to examine him, that is to say, to receive the voluntary declarations of the said person accused, and the answers which, without promise or threat, he shall make to the questions which the said judge shall put to him, and the said district judge shall cause the whole to be reduced to writing and to be signed by the deponent in his presence and in that of two witnesses; or if the deponent cannot sign, to mention that circumstance and to certify the declaration under the signature of him the said judge, and of two witnesses, which declaration, thus certified and signed, shall be evidence before the grand and petit jury, as well on the indictment as on the trial, and after the said examination shall be thus made, it shall be the duty of the said justice to send the accused to jail under the custody of his constable, if the crime be punishable with death or with seven years' or more imprisonment at hard labor; or to set him at liberty, if the offence be punishable with less severe pains, upon giving security in such sum as the judge shall be pleased to fix, according to the importance of the offence, for the appearance of the accused at the next district court in the parish in which the offence shall have been committed, and if such accused should refuse or be unable to give such security, the judge shall send him to prison, and cause him safely to be holden until the next district court of the parish in which the offence shall have been committed, until he be delivered by due course of law. And the said judge shall likewise require of the witnesses important in the case, bonds of such penal sums as he will think fit to fix, for securing their appearance at the first session of the said district court to give evidence, and he shall send the said bonds with the affidavit, received on the accusation and the examination of the accused, if any there be, to the district court, or certified copies of the same.

How a judge is
to proceed when a
criminal complaint
is made.
1807.
18. 13

Const. Art. 108.

To take bond of
witnesses to appear
at District Court.

51. No person accused of any crime shall be forced to answer any interrogatories whatever, touching the offence of which he shall be accused; but every justice of the peace, or other judicial officer, before whom any person, charged with the commission of any crime, may be brought for examination previous to commit-

Inquisition in
criminal cases pro-
hibited.
1805.
30. 1
But voluntary
confession to be
evidence against

the accused.

ment, shall take the voluntary declaration of such person so accused, and the answers, which, without menace or promise, he shall freely make to the questions which such officers shall propose, and reduce the same to writing, and cause the same to be subscribed by the declarant in his presence, and shall certify the same under the hand of him, the said justice, or the judicial officer as aforesaid; which declaration, so signed and certified, shall be evidence both to the grand and petit jury, on a presentment or indictment, and trial for such offence.

Warrants may be issued to search vessels for slaves.

1816.

12 ; 7

52. It shall be lawful for any judge or justice of the peace, to issue a warrant of search on board of any ship, vessel or any other water craft, whenever any person shall apply for the same, and shall swear before him that he has strong reasons to believe and suspect, that some slave or slaves of his own, or belonging to some person for whom he is acting by virtue of a power of attorney or duly authorized to claim such slave or slaves, as the case may be, is or are concealed on board of such ship, vessel, or other water craft; and whensoever a positive oath shall be taken that any slave or slaves be hidden or concealed in any houses, plantations and other places, any judge or justice of the peace shall have the right of issuing said search warrant: Provided, that in both the above mentioned cases, the search warrant granted expressly mention the name of the ship, vessel or other water craft, or the particular place, house, or building in which the search is to be made.

Witnesses may be bound over for appearance.

1819.

66 ; 12.

53. When any prisoner or defendant, charged with having committed any crime or misdemeanor, shall swear that some witness, then in the district where he is to be tried, is material for his defence, and that he has reason to fear and verily believes that he is about to depart therefrom, it shall be lawful for the justice before whom the complaint was made, or for the court by which the said prisoner or defendant is to be tried, to bind over the said witness or witnesses for their appearance before the court, in the same manner as the witnesses on the part of the prosecution may be bound over.

Depositions and recognizances of witnesses.

1819.

66 ; 14.

54. When any person is brought before any justice of the peace, charged with having committed any offence against the laws of this State, it shall be the duty of the said justice to take in writing the depositions of all the material witnesses on behalf of the State, and also shall take the recognizance or bond of all such witnesses in such sums as may to such justice seem reasonable, conditioned for the appearance of such witnesses before the court having jurisdiction of the offence, there to give evidence in the case, and not to depart without leave of the court, which depositions and recognizance or bond shall be forthwith returned to the clerk's office of the court having jurisdiction of the case.

Where parish jail is unsafe, prisoner to be committed to jail in adjoining parish.

1850.

86 ; 1.

55. Whenever it shall be established to the satisfaction of any judge or justice of the peace, exercising jurisdiction in any parish of this State, that the jail of said parish is unsafe or unfit for the security of prisoners, it shall be the duty of said judge or justice of the peace, to issue his writ to the sheriff or other officer of said parish, commanding him to convey any prisoner whom he may have in custody, to the nearest jail in an adjoining parish,

in a safe condition, said prisoner there to remain until the jail of the first mentioned parish shall be repaired, until trial, or until he may be discharged by due course of law, and it shall be the duty of the sheriff of the parish to which said prisoner shall be conveyed, to keep the said prisoner safe and secure, and subject to all judicial orders or decrees issuing from the parish from which said prisoner may have been sent, for which the said sheriff shall receive the same compensation as is allowed by law in other cases, to be paid by the parish from whence the prisoner was sent.

56. Each sheriff for conveying a prisoner to any other parish, shall be entitled to charge ten dollars for each prisoner and the same rate of mileage now allowed for conveying prisoners to the State penitentiary, to be paid by the parish from which the said prisoner shall be removed.

Fees of sheriff for committing prisoner in jail of adjoining parish.
1850,
86; 2.

WITNESSES RESIDING OUT OF THE PARISH HOW SUMMONED.

57. In all criminal prosecutions in which the punishment to be inflicted may be death or imprisonment at hard labor in the penitentiary, witnesses may be compelled to attend the sessions of the court from any parish of the State if the prosecuting attorney or any citizen or the accused shall state on oath what it is expected to be proved by the witness, and the court or judge in vacation upon examination of the case and the affidavit, shall in his discretion determine that the attendance of the witness is indispensable to the trial, and for that purpose the court before which a prosecution is pending may cause to be issued subpoenas and attachments to its officers, as the case may require.

Subpoenas, &c., to be issued.
1845.
89; 1.
To witnesses residing out of the parish.

58. It shall be the duty of the sheriff of the Parish in which the witness resides to serve the subpoena and make due return thereof without delay; but where attachments become necessary, in order to coerce the attendance of witnesses, they shall be executed by the sheriff of the parish in which the prosecution is pending.

What sheriff to serve subpoenas &c.
1845.
89; 2

59. When witnesses are summoned to testify in prosecutions pending in other parishes than those in which they reside, they shall receive a compensation of five cents for every mile they may necessarily travel in going and returning, and two dollars for every day they may be necessarily in attendance upon the Court; and the sheriff shall receive five cents for every mile he may necessarily travel, going and returning in executing any attachment issued under the above provisions.

Compensation:
1845.
89. 3

FORFEITURE OF RECOGNIZANCES.

60. It shall be the duty of the Attorney General, and the several District Attorneys in their respective Districts, on the second or any other day thereafter of each regular term of the District Court, leave of the Court being first had and obtained, which leave shall always be presumed, to call any or all person or persons who may have entered into any bond, recognizance or obligation whatsoever, for their appearance or attendance at court, and also to call on the surety or securities to produce instant in open Court the person of such defendant or party accused, and upon failure to comply therewith, on motion of the Attorney representing the State, the Court shall forthwith enter

Duty of Attorney General and District Attorneys.
1837.
99. 1

Judgment in solido against the principal and securities.
1837.
99. 1

How may be set aside,

Proviso.

Appearance and answer of defendant not to operate as a discharge of any security.

1837.
99. 2

Proviso.

Duty of Clerks of courts.

1837.
99. 3

Fines and confiscations how enforced.

1806.
210. 21

When masters may prosecute.

1806.
158. 16

In prosecutions for libel, truth may be given in evidence.

1847.
28.

Mileage for transporting prisoners.

1843.
61. 2

up judgment against principal and securities in solido, for the full amount of the bond, recognizance or obligation, which judgment at any time during the same term of the Court for all the parishes of the State, except the parish of Orleans, and for said parish of Orleans at any time within ten judicial days after notice of said judgment to the parties, may be set aside upon the appearance, trial and acquittal, or upon the appearance, trial and conviction and punishment of the defendant or party accused; provided, that such judgment shall not be rendered in case it shall be made to appear to the satisfaction of the Court, by the evidence of one or more disinterested and credible witnesses, that such defendant or party accused is prevented from attending by some physical disability existing at the time.

61. The appearance and answer of any defendant or party accused upon call made as provided for in the preceding section, shall not operate as a discharge or release of any surety from his responsibility, and no such surety shall be discharged or released from his responsibility until the final trial and conviction or acquittal of such defendant or party accused: Provided, however, that any surety may be relieved from responsibility by making a formal surrender of the defendant or party accused to the sheriff or his deputy in open court or within the four walls of the prison of the parish, and not otherwise.

62. It shall be the duty of the clerks of the several District Courts to issue notice of such judgments to the parties concerned, as in ordinary civil cases, and on the service and return thereof, after the usual delay, to issue executions on all such judgments, which it is made the duty of the several sheriffs throughout the State to execute without delay.

PENALTIES IN RELATION TO SLAVES; HOW RECOVERED.

63. All the fines and confiscations ordered by the foregoing provisions in relation to slaves, which have not been appropriated, or the recovery of which has not been regulated, shall be enforced, if they do not exceed twenty-five dollars, levied and seized upon by warrant of a justice of the peace of the parish where the said offence shall have been committed, and provided the said fine or confiscation exceeds the sum of twenty-five dollars, the said fine shall be recovered before a competent tribunal.

64. Masters may prosecute in criminal cases, to obtain satisfaction of the outrages and abuses which may have been committed against their slaves.

CERTAIN OTHER PROVISIONS.

65. In all prosecutions for libel, the truth may be given in evidence; and if it shall appear that the matter charged as libellous is true, and was published with good motives and for justifiable ends, the party shall be acquitted, and the jury shall be the judge of the law and the facts.

66. Sheriffs shall not be entitled to demand or receive for transportation of prisoners for mileage more than six cents for each mile they may necessarily travel both in going and returning; and for the expenses of one prisoner conveyed as aforesaid, they shall receive for going only five cents per mile; and for each

additional prisoner thus conveyed, the sum of three cents each mile as aforesaid, to be paid in the manner provided by law.

67. In all cases of assaults and batteries and misdemeanors, when the parties compromise and the prosecution is withdrawn, no charges shall be brought against the parish; the parties compromising shall pay all costs; Provided that in the cases contemplated in this section it shall be lawful for the Attorney General or District Attorney to enter a nolle prosequi.

Parties compromising certain cases to pay all costs.
1843.
61. 3

68. Whenever it shall happen that there are not a sufficient number of cells in the penitentiary for the accommodation of convicts sentenced to labor there, the Governor is authorized to make suitable arrangements with the proper authorities for their detention in the jail of the parish of Orleans, until such time as cells shall be prepared for their reception in the penitentiary.

Accommodation of convicts.
1842.
520. 5

69. For the purpose of encouraging exemplary conduct in the convicts, and as a reward for the same, the Board of Inspectors of the penitentiary shall have power to remit a small portion of the term of any convict; Provided, it shall in no case exceed two days per month; and provided also, that one month shall intervene between each remission:—and a book shall be kept by the warden, in which shall be recorded a brief statement of the circumstances and reasons of each remission and the name of the convict, which book is to be submitted to the inspection of the Inspectors and the committees of the legislature.

Remission of portion of convicts' sentences.
1842.
520. 6

FOREIGN CRIMINALS.

70. The Governor may, in his discretion, deliver over to justice any person found within this State who shall be charged with having committed, without the jurisdiction of the United States, the crimes of wilful murder, arson, robbery, forgery, counterfeiting, or rape.

Governor may deliver.
1830.
66. 1

71. Such delivery shall only be made on the requisition of the duly authorized ministers or officers of the government, within the jurisdiction of which the crime shall be charged to have been committed.

Delivery, when and how made.
1830.
66. 2

72. It shall be the duty of the Governor to require such evidence of the guilt of the person so charged, as would be necessary to justify his apprehension and commitment for trial, had the crime charged been committed within this State.

Evidence required.
1830.
66. 3

73. The expenses of apprehending and delivering such person shall be defrayed by those to whom he shall be delivered.

Expenses, by whom paid.
1830.
66. 4

DEAF AND DUMB.

By the act approved January eighteenth, eighteen hundred and thirty eight, it was enacted:

WHEREAS: there are believed to be many persons in this State, who are deaf and dumb, and who, being in indigent circumstances, are proper objects of the beneficent attention of the legislature; and whereas, institutions long established, and where numbers of individuals similarly afflicted can associate with each other, are represented to be best adapted to their instruction:

Preamble.
1838.
9.

1. Immediately after the passage of this act, it shall be the duty of the Police Jury of each parish in this State, to ascertain

Duty of the Police Jury of each parish.

1838.
9; 1

the number of deaf and dumb persons in their respective parishes and to enquire particularly into their pecuniary circumstances; and if they shall be found to be indigent, and proper objects for charitable aid, then said jury, through their president, shall report the same to the Governor of this State, under proper certificate, setting forth the name, age, sex, parentage and condition of such persons.

Duty of the Governor.

1838.
9; 2

2. Immediately after the passage of this act, it shall be the duty of the Governor of this State, to open a correspondence with the directors of any Asylum for the education of deaf and dumb, situated in any of the slave holding States, and to enter into such contracts with them as he shall deem most judicious, for the education and instruction of the indigent deaf and dumb of this State.

Further duty to be performed by him.

1838:
9; 3

3. Whenever the Governor shall receive such certificate as is required in the first section of this act, it shall be his duty to take such measures as he may deem most fitting, to send such persons as may be thus designated as proper objects of public bounty and care, to the Asylum he may have selected in one of the slave holding States, in compliance with the foregoing section, there to be instructed and educated at the public expense of this State.

Report to be communicated to the Legislature by the Governor.

1838.
10; 5

4. It shall be the duty of the Governor, annually, at the beginning of the session of the legislature, to communicate to each House, a detailed report of the number of indigent deaf and dumb, recommended by the different police juries of the several parishes, and the disposition made by the Governor, of the persons thus recommended, and also a statement, so far as is known to him, of the health, proficiency in learning, and general condition and prospects of the persons thus made the recipients of the public bounty. Provided, however, that if any person thus received and placed under the patronage of the State, shall conduct him or her self unworthily, then and in that case the aid and support of the State shall be withdrawn.—Act of January 18th, 1838.

Proviso:

DIVORCE.

Causes of divorce.

1827
130; 1

1. No divorce shall be granted unless for the following cases: The husband may claim a divorce in case of adultery on the part of his wife.

The wife may also claim a divorce, in case of adultery on the part of her husband, when he has kept his concubine in the common dwelling, or openly and publicly in any other.

1848
57; 1

Married persons may reciprocally claim a separation and divorce on account of habitual intemperance, excesses, cruel treatment, or outrages of one of them towards the other, if such habitual intemperance, or such ill treatment, are of such a nature as to render their living together insupportable.

1827
130; 1

The condemnation of either of the married persons to an ignominious punishment, shall be for the other a sufficient cause of divorce.

A divorce may be equally claimed on the part of the husband and wife, when either shall abandon the other for the space of five years, and when he or she shall have been summoned to return to the common dwelling, as is provided for in cases for sepa-

ration from bed and board, within one year prior to the application for such divorce.

In addition to the cases above enumerated, whenever husband or wife has been charged with an infamous offence, and shall actually have fled from justice and gone beyond the jurisdiction of this State, the husband or wife of such fugitive, as the case may be, may claim a divorce, on producing proofs to the judge who tries the petition for divorce, that his or her husband or wife has actually been guilty of such infamous offence, and has so fled from justice, and in such case it need not be necessary to obtain a separation from bed and board. When a defendant in such case is absent, an attorney shall be appointed to represent him or her against whom, contradictorily, the suit shall be prosecuted.

Additional causes
1832
152; 1

1832
152; 2
In absence of defendant, an attorney shall be appointed in his behalf.

2. Except in the cases where the husband or wife may have been sentenced to any infamous punishment, or convicted of adultery as provided in section the first, no divorce shall be granted unless a judgment of separation from bed and board shall have been previously rendered between the parties, and unless two years shall have expired from the date of the judgment of separation from bed and board, and no reconciliation may have taken place; Provided, that in the cases excepted above, a judgment of divorce may be granted in the same decree which pronounces the separation from bed and board.

Separation to be previously decreed.
1827
130; 4

3. The exceptions to an action of divorce shall be the same as those to the action of separation from bed and board, established by the articles one hundred and forty-nine, and one hundred and fifty, of the Civil Code now in force throughout the State.

Exceptions.
1827
132; 5

4. The action of divorce shall be accompanied with the same provisional proceedings to which a suit for separation from bed and board may give rise, and agreeably to the articles one hundred and forty-four, one hundred and forty-five, one hundred and forty-six, one hundred and forty-seven, and one hundred and forty-eight, of the Civil Code, now in force within this State.

Provisional proceedings.
1827
132; 6

5. The effects of a decree shall not only be the same as are determined in the case of a separation from bed and board by the articles one hundred and fifty-two, one hundred and fifty-three and one hundred and fifty-four, of the Civil Code now in force in this State, but it shall also dissolve forever the bonds of matrimony between the parties, and place them in the same situation with respect to each other as if no marriage had ever been contracted between them.

Effects of divorce.
1827
132; 7

6. The district courts throughout the State shall have exclusive original jurisdiction in cases of divorce, leaving to the parties, or either of them, the right of appeal to the supreme court in all such cases.

Courts which shall have jurisdiction thereof.
1827
130; 2

7. All actions for divorce shall be tried as all other cases; Provided, that no witnesses summoned by the parties, shall be declared to be incompetent, under the pretence of their being the allies or relations of either the plaintiff or defendant.

Actions, how tried.
1827
130; 3

8. If the wife who has obtained the divorce has not sufficient means for her maintenance, the court may allow her, in its discretion, out of the property of her husband, alimony which shall not exceed one-third of his income. This alimony shall be revoca-

Alimony of a wife
1827
132; 8

ble, in case it should become unnecessary, and in case the wife should contract a second marriage.

9. In case the divorce is granted in the decree pronouncing the separation from bed and board, the effects of such divorce shall be the same as regulated by the Civil Code in case of separation from bed and board.

Effects of a divorce in certain cases.

1827
132; 9

No marriage between persons guilty of adultery.

1827
132; 10

10. In cases of divorce on account of adultery, the guilty party can never contract matrimony with his or her accomplice in the adultery, under the penalty of being considered and prosecuted as guilty of the crime of bigamy, and under the penalty of nullity of his or her marriage.

DOMICIL AND RESIDENCE.

Residence in this State, how obtained.

1818.
96; 1.

1. Any alien coming into this State from a foreign country, or from any State of the United States, or any citizen of the United States coming into this State as aforesaid, shall, after having resided one year without any interruption in one of the parishes of this State, having in the mean time purchased or rented a house or room, or parcel of land, or pursued some profession or employment for a support, be considered as having acquired a residence in the parish where such individual has so resided and complied with the above requisitions, by making proof of the same before any judge or justice of the peace within this State, who is hereby authorized and required to receive such evidence, and make it a part of the record of his court, and to grant to the individual an attested certificate to that effect; and the oath of the individual applying, supported by the evidence of another, shall be esteemed sufficient proof.

Residence, once acquired, is not forfeited by absence on business, &c.

18 8.
96; 3.

2. Residence once acquired shall not be forfeited by absence on the business of this State or of the United States; but a voluntary absence from the State of two years, or the acquisition of residence in any other State of this Union or elsewhere, shall forfeit a residence within this State: Provided, that nothing herein contained shall free or excuse from militia service any person who, by the laws in force in this State, is liable thereto.

EDUCATION.

The white youth of the State to be educated.

1847.
178. 1

1. Means shall be provided, in the manner hereinafter specified, for the education of the white youth of this State between the ages of six and sixteen years, in such branches as shall be prescribed; Provided that any white person under twenty-one years of age shall have the right to at least two years' tuition.

School Tax.

1847.
178, 2

2. For the purpose aforesaid, there shall be annually levied upon the ad valorem amount of the general list of taxable property in each parish of this State, one mill on the dollar, and collected by the collector of the State taxes in the several parishes, in the same manner as other State taxes are levied and collected.

Proceeds of lands, estates, &c.

1847.
178 3

3. The proceeds of all lands heretofore granted by the United States to this State for the use or support of Schools, and of all lands which may hereafter be granted or bequeathed to the State, and not expressly granted or bequeathed for any other purpose, which hereafter may be disposed of by the State, and the pro-

ceeds of the estates of deceased persons, to which the State has or may become entitled by law, shall be held by the State as a loan, and shall be and remain a perpetual fund, to be called the Free School Fund, on which the State shall pay an annual interest of six per cent., which interest, together with all the rents of the unsold lands, shall be appropriated for the support of public schools in this State, and donations of all kinds which shall be made for the support of schools, fines, and forfeitures adjudged under the laws of this State, except such fines and forfeitures as are now by law otherwise appropriated, and such other means as the legislature may from time to time set apart for school purposes, shall form a part of said fund, and shall also be a loan, on which the State shall pay an interest of six per cent.

Free School
Fund.

How composed.

4. As soon as practicable after the third of May, eighteen hundred and forty-seven, it shall be the duty of the parish superintendent of the several parishes in this State to take the sense of the inhabitants of the township or district of country to which may belong any lands heretofore recovered and appropriated by Congress for the use of schools, whether or not the same shall be sold, and the proceeds invested as authorized by an act of Congress, approved February fifteenth, eighteen hundred and forty-three, entitled, "An act to authorize the Legislatures of the States of Illinois, Arkansas, Louisiana and Tennessee, to sell the lands heretofore appropriated for the use of schools in those States." Where the township is inhabited by at least eight legal voters for twelve months previous, then the sense of the inhabitants of the township shall be taken, but where a less number of inhabitants reside in the township, or where it is uninhabited, then the district of country contemplated by said act of Congress shall be construed to be the parish, and the sense of the inhabitants of the parish shall be taken, by opening polls within the township or parish, after advertising the time and place, or places, for at least thirty days, and the sense of the legal voters in the township or parish, as the case may be, shall be taken within the usual hours, and in the usual manner of holding elections. Polls opened for a township must be within the township, and the votes received by a parish superintendent or district director, and for the parish at the usual places of holding elections, and the votes received by a school district director, or a justice of the peace, and returns of the result shall be made to the parish superintendent, and by him to the State superintendent.

Duty of Parish
Superintendent in
relation to lands
appropriated by
Congress for use of
Schools.

1847.
178.4

5. In the event of a majority of the votes taken in a township or district of country comprised in the parish, as the case may be, shall give their assent to the sale of such lands as aforesaid, then and in that case, the same shall be sold by the parish superintendent, at public auction, to the highest bidder; but in no case at a less sum than one dollar twenty-five cents per acre, after advertising thirty days, payable one-fifth cash, and the balance at one, two, three and four years' credit, from the day of sale, the notes to be given therefor, to bear interest from the date until final payment, at the rate of six per cent. per annum; all notes taken for the credit price of said lands, shall be made payable to the State Treasurer, and shall be domiciliated for payment at the of-

Manner in which
sense of inhabi-
tants shall be taken.
1848. Ex. S.
41: 5

Regulation
sales.

Powers and du-
ties of Parish Su-
perintendents.

Money received
to bear interest.

Manner of dispo-
sing of lands,
should their sale be
forbidden.

1847.
179. 6

State Superinten-
dent,

1847
179. 7

1848
122. 2

fice of the State Treasurer; and the payments shall be secured by a special mortgage upon the lands, until final payment of principal and interest; and should the purchaser refuse or neglect to make the cash payment immediately upon the adjudication, the same shall be forthwith resold on the terms aforesaid, but in no case at a less sum than one dollar and twenty-five cents per acre, at the cost and risk of the first purchaser, who shall be responsible for any deficiency in the price, by reason of second sale without being entitled to any portion of any surplus that may be received over the price bid by him, the said first purchaser; the parish superintendent shall be, and he is hereby authorized and directed, to execute any and all acts of sale on behalf of the State for any such school lands sold, or to be sold, as aforesaid, to receive the cash payment and the notes given for the purchase; that it shall be the duty of all parish superintendents, immediately on the receipt of money or notes for the sale of any such lands, to transmit the same immediately to the Treasurer of the State; that the result of all sales made by the parish superintendent shall be forthwith notified by him to the State superintendent, and any money received into the State Treasury from sales aforesaid, shall bear an interest at the rate of six per cent. per annum and be applied to the township or district of country to which the same may belong, according to the provisions of the said act of Congress.

6. In the event that a majority of the legal votes taken as aforesaid shall refuse their assent to the sale of such lands, as aforesaid, then and in that case it shall be the duty of the district Directors where the same may be situated to secure the same from injury and waste, and prevent illegal aggression of any kind, and in conjunction with the parish superintendent to lease the same or any part thereof, for any term not exceeding four years, according to the provisions of the second section of the act of Congress aforesaid, and advise the State Superintendent thereof; provided that such lease shall only be made after due notice thereof shall have been given by an advertisement for at least thirty days at two or more public places in the township or district, of the time and place where such land will be offered for lease to the highest bidder, and in all cases the most ample security shall be required, not only for the punctual payment of the rent, but for the protection of the land from all and every kind of waste and injury.

7. There shall be appointed by the Governor, by and with the advice and consent of the Senate, a State Superintendent of Public Education, who shall reside at the seat of government, shall hold his office for two years, and until his successor be appointed and shall have taken the oath prescribed by the Constitution, and shall receive for his services an annual salary of three thousand dollars, to be paid monthly on his own warrant, audited by the Auditor of Public Accounts, out of any money in the Treasury not otherwise appropriated. The said State Superintendent, before entering upon the duties of his office, shall take the oath prescribed by the Constitution.

8. The State superintendent of public education shall prepare

and submit a report to each and every general assembly, containing a statement of the condition of the free public schools of the State, estimates and accounts of expenditures of the school monies, plans for the improvement and management of the free school funds, and for the better organization of the public schools, and especially the number of children, the number and quality of schools, the qualification of teachers, the time schools are severally taught in each district, the number of scholars in attendance, the amount paid for tuition, and the sources whence the different items of school funds are derived; also, to collect information of the number of school houses, the amount expended from year to year in erecting school houses, and all other matters in reference to the operation of the public school system which he may deem important. He shall prepare suitable forms and regulations for making all reports, keeping school journals and conducting all necessary proceedings according to the provisions of law, and transmit the same, with such instructions as he shall deem necessary and proper for the uniform and thorough administration of the school system, to the parish superintendent, for distribution among the district directors. He shall visit, immediately after his appointment, and once a year thereafter, every parish in the State, for the purpose of inspecting the schools, and diffusing as widely as possible, by public addresses, and personal communications with school officers, teachers and parents, a knowledge of existing defects and desirable improvements in the administration of the system, government and instruction of the schools. He shall enter, or cause to be entered, in proper books to be provided for that purpose, in his office, all his decisions, letters and other acts as superintendent. He shall, from time to time, give such directions as to the course of studies and the books to be used, as he may judge advisable, to the several officers entrusted with the management and care of the public schools.

Duties of State
superintendent.
1847
180. 8

9. It shall be the duty of the assessors of the different parishes of the State, on or before the first of November, eighteen hundred and forty-seven, and every two years thereafter, to make an accurate enumeration of all the white youth in their respective parishes between the ages of six and sixteen years, designating distinctly the number of white children of each sex between those ages in each of the school districts into which the parishes may be divided; which enumeration, (after the first,) shall be made at the time the State taxes are assessed; and the said assessors shall make out duplicate lists of the enumeration so made, and deliver the same to the parish superintendent, one of which shall be retained by him, and the other immediately transmitted to the State superintendent; said assessors shall receive such compensation out of the parish taxes, for their services, as may be allowed by the parochial authorities of the parish for which they are appointed.

Duties of parish
assessors.
1847
180. 9

To amend an act entitled, "An Act to amend an Act to establish free Public Schools in the State of Louisiana."

10. On the 30th of March, June, September and December, in each and every year, the superintendent of public education shall

Apportionment to
be made by the
State superintendent
of the moneys
destined for public
schools.

1859
98. 1

Moneys so appor-
tioned, how paid
out of the treasury
of the State.

What statement
is to be rendered by
the auditor to the
State superinten-
dent of public
schools.

Election of parish
superintendents.
1847.
181. 11

Their salary.

Vacancy.

When salaries
commence.
1848 Ex. S.
41, 3

Powers of parish
superintendents.
1847.
181. 12

proceed to apportion the funds provided by law for the support of free schools among the different parishes of the state in such amounts as may then have been paid into the treasury, and in such form as to pass to the credit of each parish one-third of the net amount of mill-tax, which may have been collected from it, into the treasury; and that said superintendent, after thus disposing of said one-third, shall, of the remaining two-thirds of the said net mill-tax, paid by each and every parish, make an aggregate amount, which he shall apportion among the different parishes, in the proportion that the number of white children in each parish between the ages of six and sixteen years, bears to the whole number of the white children in the State between those ages, so that the result of the apportionment of said two-thirds added to the one-third originally reserved for the parish, shall be and constitute the *pro rata* of school moneys, so far as paid into the treasury, to which each parish shall be entitled for the quarter; and of such apportionment the superintendent of public education shall forthwith give notice to the several parish superintendents, or such other officer or persons as may be designated by law, as being the amount due to their respective parishes; and the same so apportioned, shall be paid by the State treasurer, out of the school funds in the treasury, upon the warrants of the parish superintendents of the several parishes, and in New Orleans, of the treasurer of each municipality respectively, and in the city of Lafayette, and in the towns of Carrollton, Thibodaux and Freeport, and in that portion of the parish of Orleans situated on the right bank of the river, of the treasurers thereof, drawn on and approved by the auditor of public accounts; that the State superintendent be, and he is hereby authorized and empowered to ask and demand of the auditor of public accounts a statement of the amount of money in the treasury, belonging and applicable to the public school fund, from time to time, as may be necessary to enable said superintendent to make the apportionment required by law, of said funds; and it shall be the duty of the auditor of public accounts to render such statement from time to time, and whenever so required.

11. There shall be elected by qualified voters of each parish, at the general election for members of the House of Representatives, a parish superintendent, who shall be a resident of the parish for which he is superintendent, be commissioned by the Governor, and shall receive for his services an annual salary of three hundred dollars, to be paid quarterly on his own warrant, drawn on and approved by the auditor of public accounts, out of any school monies in the treasury; said election shall be conducted in the same manner and by the same officers as the general election is conducted; and, if, in case of death, resignation or otherwise, a vacancy should occur in the office of parish superintendent, such vacancy shall be filled by the State superintendent; such appointment to continue until the next regular election, or until his successor is elected and qualified. The salaries of the parish superintendents shall commence at the time they enter upon the discharge of their duties.

12. Said parish superintendent shall do and perform all such matters and things connected with the administration of the

schools in his parish as may be prescribed by law, or by the State Superintendent.

13. The parish superintendent in each parish, shall be treasurer of all the school funds due the parish, from whatever source the same shall have arisen, and before he shall enter upon the duties of his office, he shall give bond, with sufficient security, the amount of the bond to be fixed by the State superintendent, and shall, as near as practicable, be double the sum which may be due to the parish for school purposes, payable to the Governor of the State of Louisiana, to be approved by the prosecuting attorney, or, in his absence, by the sheriff, for the faithful disbursement, according to law, of all such funds as may from time to time come into his hands; and on the forfeiture of said bond, the said prosecuting attorney shall prosecute and collect the same for the use of the several districts of the parish; and in addition to the amount of any judgment which may be obtained against a defaulting superintendent or treasurer of school monies, fifty per cent. thereon additional shall be added as a penalty, for the support of the free public schools of the parish: Provided, that in the city of New Orleans, the treasurers of the several Municipalities, in the city of Lafayette, the towns of Carrollton, Thibodaux, and Freeport, the treasurers thereof; and the treasurer of the Police Jury of the parish of Jefferson, shall be the treasurers of the school fund, to accrue to the said municipalities, city and towns, and parish of Jefferson.

14. The parish superintendent shall examine candidates for teaching, and give certificates, which certificates shall be sufficient for any part of the parish; and no person shall be employed as teacher in any public school unless he or she shall first have obtained a certificate from said parish superintendent, of good moral character, and that he or she is qualified to teach reading, writing, and arithmetic, and in the districts of the several parishes where the French language is spoken, the French language, when it shall be required by the directors; and that said parish superintendent shall certify, upon such examination, what other branches the candidates severally are qualified to teach; and no such teacher shall be allowed to teach in any public school in any branch not named in his or her certificate. No certificate shall be considered valid more than one year after it has been given; Provided that said parish superintendent may give his certificate for any shorter time, not less than six months, and shall have power to annul certificates of such teachers as may prove, on trial, in any respect unworthy.

15. The parish superintendent of the public schools shall visit each public school in the parish at least once in every three months, and examine the journal or record that shall be kept by the teacher, and all other matters that he may deem important touching the situation, discipline, mode of teaching, and improvement thereof; and he shall keep a journal of all such examinations, and of his observations thereon, which shall be open to all school officers of the district, and shall make report thereon quarterly, or when required, to the State superintendent.

16. The parish superintendent shall fill all vacancies that oc-

Parish superintendents to act as treasurers.

1848. Ex. S.

414,

Shall give bond.

41. 4

In case of forfeiture.

Proviso.

Teachers to be examined by parish superintendent.

1847.

182. 15

Certificate. Qualifications of teachers.

Duties of Parish superintendent to visit schools.

1847.

182 ; 16.

Powers of parish.

superintendent in
relation to the
school directors.

1847.
182; 17.

cur during the year in any board of directors, in any school district within his parish; and on a failure to hold the annual election in any district, or if a board be elected and refuse to serve, or if a new district is formed, he shall appoint three judicious persons in said district, school directors, who shall hold their offices until their successors are elected and qualified, and shall perform the same duties and possess the same powers as they would have done if regularly elected by the voters of the district, as hereafter provided.

School districts,
how formed and
designated.

1847.
182; 18.

17. The police juries of the several parishes, with the assistance of the parish superintendent, shall lay off, as soon as practicable, their respective parishes into school districts, in the manner most convenient for the population thereof, paying due regard to such circumstances as are proper to be considered; and said district shall be bounded and numbered in such manner as to be easily distinguished.

Alterations in
school districts,
how made.

1847.
183; 19.

18. The said police juries, with the assistance of the aforesaid parish superintendents, shall have power to make such alterations annually in the district, as, in their opinion, the general good shall require.

Election of school
directors.

1847.
183; 20.

19. Immediately after the districts have been formed, as heretofore provided, upon notice of the time and place to be given by the parish superintendents, at least ten days before the election, in three public places of the district, the qualified voters of each district shall assemble and elect from their own number three discreet persons to act as school directors, in the district for which they shall be chosen; said directors shall be sworn and continue in office until the first Monday of September, eighteen hundred and forty eight, and until their successors are chosen and qualified.

Term of office.

Meeting of voters
in school district.

1847.
183; 21.

20. There shall be, after the first election, a meeting in such school districts which shall be held on the first Monday in September, annually, at the school house, or (if there be no school house,) at such other place in the district as the school directors shall designate; notice of the time and place of holding which meeting shall be posted up by the district clerk in at least three public places in the district, ten days before such meeting; and at all such annual meetings the voters in said district shall organize by appointing a chairman, and the clerk of the district shall act as secretary, or in his absence a secretary shall be appointed pro tempore, and the voters present may transact all the ordinary business of the district, and elect three directors, to serve for the ensuing year, who shall be sworn into office and hold their respective offices until the next annual election, and until their successors are chosen and qualified.

Manner of conveying and organizing

Powers of meeting.

Directors. Their
oath.

1847.
183; 22.

21. The said directors shall, within ten days after their election, meet and take the oath of office prescribed in the Constitution, and also an oath or affirmation of office, faithfully to discharge the duties of the office to which they shall have been elected, and to the best of their ability promote the true interest of education within their district, which said oath may be administered by either of the said directors. They shall elect from their own number a clerk of the district, whose duty it shall be to keep

Clerk of the district,
his duty.

in the book of records of said district a full and accurate account of all the proceedings of said directors, and district meetings, which shall be signed by the chairman and countersigned by the clerk as evidence of correctness. And the said board of directors and their successors in office shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, in any court of this State, be capable of receiving any gift, grant, donation, or devise, made to or for the use of such district, and may receive a deed of conveyance or lease for only land whereon to erect a school house or houses, which deed or lease shall be made to such directors and their successors in office or to the district.

22. The said directors, any two of whom shall form a quorum for business, shall provide a school house, or houses, room or rooms, by purchase or otherwise, sufficient for the purpose of teaching the proper number of scholars, repair and keep the same in order, procure the necessary furniture and supply fuel for the school or schools; and determine how much money, or its equivalent in labor, materials or property, shall be raised for the aforesaid purposes; and if any money be necessary, the amount so determined shall be assessed upon the ad valorem value of property subject to taxation in the district and collected by such officers as may be designated by said directors. They shall establish a sufficient number of schools, and employ one or more teachers, either male or female, and shall pay them out of the funds belonging to the district; Provided that they shall in no case pay money to any teacher who shall not, at the time of presenting his order therefor, present a certificate of qualification and moral character, as provided for by the fourteenth section, which certificate shall have been issued and bear date previous to the commencement of the term for which he or she claims pay. They shall establish such rules and regulations, from time to time, as may be deemed proper for the government of the schools, and determine the different periods of the year when school shall be taught. They shall have power to suspend during pleasure or expel any pupil found guilty, on full hearing, of bad conduct; and readmit the same upon satisfactory evidence of amendment; and they shall faithfully appropriate and expend in the support of such school or schools, all monies belonging to their respective districts for that purpose; said directors shall determine how and when the funds shall be expended, and may apportion the same to such parts of the year as the convenience of the district may require. They shall manage and superintend the concerns of the schools within their district, and perform all such other lawful acts as may from time to time be required of them by any district meeting, or as may be necessary to carry into full effect the provisions of law, or the instructions of the parish superintendent; Provided, that in all cases, during the period when the public money is applied to the support of the schools, said schools shall be free for all the white children of the proper age in the district: Provided further, that the directors shall be authorized to direct the schooling of any free white person under the age of twenty one years, residing within their respective districts; but such la-

Powers of directors.

Quorum of the board of directors.
1847.
181; 23.

Shall establish schools, &c.

Proviso.

Certificate.

titute shall not be construed as entitling such district to a greater amount of money than would be under the first section.

Report to be
made by the school
directors.

1847
184; 24

23. The said directors shall at the annual district meeting, by their clerk or some other person by them appointed, before the election of officers for the ensuing year, report, in writing, an account of their official proceedings for the preceding year, showing the amount of school funds apportioned to the district, and how it has been expended; how many schools have been taught; for what time, and the amount of salaries paid to teachers; the number of pupils in each school; the number of youth of a proper age who do not attend school; the branches taught; the amount of money raised by district tax, for purchasing, building, or repairing school houses, or any other purpose, with an account of all the disbursements; and shall also report such other information to the meeting as shall be thought useful; which report or a copy thereof, shall be, by the clerk of the district, delivered to the parish superintendent within five days.

Accounts of
school directors,
to be examined by
parish superinten-
dent.

1847
185; 25

Duties of direct-
ors when going out
of office.

24. The district directors shall annually, in the month of August, account to the parish superintendent for all the monies received for school purposes, and shall furnish him with a statement in writing, showing the annual amounts received, from whom, and on what account, and the amount expended in the District; and the parish superintendent shall examine the vouchers for such payments, with the certificate of teachers; and as far as he is satisfied with the correctness thereof, shall certify the same, which certificate shall be prima facie a discharge of such directors; and at the expiration of their term of service, said directors shall deliver over to their successors in office, all books, papers, records and other documents, with all monies and property of every description in their hands belonging to said district, and take the receipt of their successors therefor, and deposit the same with the parish superintendent, within ten days thereafter.

Duties of teach-
ers.

1847
185; 26

25. It shall be the duty of every teacher hereafter employed to teach a public school, to enter in a book to be provided by the district clerk in manner and form to be designated by the State Superintendent, the names of all the children attending school, their ages, the date when they commenced, the length of time they continued, and keep a table, showing the daily attendance, with the names of the parent or guardian of each scholar; which book shall at all times be open to the inspection of all persons interested, and delivered over by the teacher to the district clerk at the expiration of the term of the school, to be retained by said clerk as the property of the district; and such account, to be kept in a book for that purpose, when sworn to by the teacher, shall be prima facie evidence of such attendance, and the teacher shall, as often as once in three months, make an abstract of said record, showing the whole number of pupils enrolled, and the average daily attendance, distinguishing the number of males and females, and deposit the same with the clerk of the district, and it shall be unlawful to pay any teacher more than two thirds the amount due for any term of tuition, until said abstract shall be placed in the hands of the district clerk as afore-

Teachers not to
be paid in full, until
they have dischar-
ged certain obli-
gations.

said; and it shall also be the duty of every teacher employed as aforesaid, to enter on the book to be kept by him, the date of each and every visit that shall have been paid to the school, either by the State Superintendent, or the parish superintendent and directors.

26. In any district where the directors keep an English school, and do not have the branches taught in French, it shall be lawful for the youth in such districts, who desire to learn in the French language, to attend at a district school where the French is taught; and the directors of the district where such youth reside, on being satisfied that such youth have actually attended school under some qualified teacher, shall pay the teacher of the school or schools where such youth attend, the portion of school money that would be coming to such youth out of the funds of their district, and the same rule shall be adopted, and privileges allowed, in favor of those wishing to learn the English, in districts where the French language is taught, and so of any other language.

Teaching of the
English and French
languages.
1847
185; 27

27. Any alteration, or new district, hereafter formed out of one or more original districts, shall be entitled to a proportionate share of all money due or paid into the hands of the parish superintendent, for the use of said original district or districts, to be divided with and paid over to said new districts, in proportion to the number of youth entitled to schooling in said detached part or new district, except so much as may have been raised for repairs, fuel, furniture, or for the erection of a school house, if such school house be retained in the original district.

Share of school
funds to which
new districts are
entitled.
1847
186; 28

28. Whenever, by reason of a division of districts, or for any other cause, any school house or lot shall be so situated as not to accommodate any district, the directors of the district where the same is located shall cause the same to be sold to the highest bidder, after giving notice of the time and place of sale at least thirty days, which notice shall be posted up in at least three public places in said district; and the directors shall cause the proceeds of such sale to be apportioned among the districts composing the original district, in proportion to the number of youth entitled to schooling in each; Provided, that no such sale shall take place until a site for another school house within such district shall have been secured.

When school
houses or lots may
be sold.
1847
186; 29

Sales, how made.

Proceeds, how
disposed of.

Proviso.

29. If the population in any district contiguous to another parish be too sparsely settled for a school, then it shall be lawful for the inhabitants so situated, to be connected with those of an adjoining parish, with the consent of the directors of the districts interested; and if any portion of the youth of the State be so situated as not to derive the advantages of schools, then the portion of the public funds coming to them shall be reserved to their credit, subject to be drawn when a school can be had in their district.

When school
districts may connect
with those of an
adjoining parish.
1847
186; 30

30. No school money shall be paid to any district, until it shall be shown to the parish superintendent that a school house or room suitably furnished, has been provided in said district, nor shall money be paid to any district, until the directors shall have complied with the provisions of the foregoing sections.

No money to be
paid before the
provisions of law
are complied with.
1847
187; 32

Application of the foregoing to New Orleans and Jefferson.
1847.
187. 33

31. The foregoing provisions do not apply to the public schools in the city of New Orleans and the parish of Jefferson, except when referred to by name, and except so far as relates to the right of visitation, and except also so far only as to entitle the same to a distributive share of the money appropriated to the support of public schools, to be estimated for the number of children between six and sixteen years of age, and excepting also the second and third sections, which are applicable to New Orleans and the parish of Jefferson; Provided, that the State Superintendent shall at all times be authorized to call upon the superintendent, or other officer having the management of the schools in New Orleans and Lafayette, for all statistical and other facts required for the reports which he is to make by law; Provided further, that the amount of the distributive portion of the general education funds, to which the parish of Jefferson shall be entitled, shall be distributed among the incorporate towns of said parish, and the police jury portion thereof according to the number of children entitled to public education in said respective districts; and in the parish of Orleans, the amount to which said last named parish shall be entitled, shall be distributed among the three municipalities of New Orleans, and on the right bank of the river, according to the number of children entitled to public education in said municipalities respectively, and on the said right bank of the river.

Duties of District Judges, Grand Jurors and Clerks of District Court, in relation to School Fund.
1847.
187. 34

32. It shall be the duty of the judges of the district courts, to charge the grand juries to enquire into the application of the public school fund within their respective parishes, and present any misapplication or embezzlement thereof, or infraction of the foregoing sections, and it shall be the duty of the clerks of the district court to transmit to the State Superintendent, a transcript of the same, and of any judgment of the court thereon.

Existing appropriation.
1847.
187. 35

33. All existing appropriations for the support of public schools shall cease, when the schools provided for by the foregoing provisions of law shall be in full operation; and provided that when the schools shall go into operation, they shall be entitled to draw from the school fund, pro rata, from the date of their opening.

Division of parish into School districts.
1848.
115. 2

34. Any division of a parish into school districts, made conformably to the seventeenth section by the police jury previous to the sixteenth of March, eighteen hundred and forty-eight, or before the Parish Superintendent shall have been commissioned and sworn, shall be deemed valid.

Term of office of Parish Superintendent.
1848.
115. 4

35. The Parish Superintendent shall remain in office and perform all the duties thereof until his successor shall be duly qualified.

School Fund of parish of Orleans, how paid.
1848.
115. 5

36. The amounts of the school funds to be paid to the parish of Orleans shall be paid as follows: the amount due to each of the municipalities of New Orleans shall be paid over monthly by the State Treasurer to the treasurer of each municipality respectively, and the amount due to that portion of said parish situated on the right bank of the river shall be paid over monthly by the State Treasurer to the treasurer of the police jury for that portion of said parish.

37. The State Superintendent of Public Schools shall be en-

titled to eight hundred dollars a year to pay the contingent expenses of his office, to be paid him monthly on his own warrant, audited by the Auditor of public accounts.

38. It shall be lawful for the Register of the State Land Office to sell at the price stipulated by law to any board of free school district directors of this State, any amount not less than five acres of any land within their school district, donated by Congress to this State, either for the use of a seminary of learning or for the purpose of internal improvement, on which to erect a school house.

39. Any land so sold, shall commence in the corner of a legal division or subdivision of sections; and if in a right angle, it shall run an equal distance on two sides, bounded by the lines of such division, and form a square, including the number of acres sold; if in an acute angle, it shall be bounded by said division lines to such distance, and by lines in such other directions as the register may deem most equitable between the land so sold and that retained; the patents for lands so sold, shall issue to the free school district directors, and their successors, for the use of their district schools, setting forth the number of and what parish.

40. The ten per cent. of the nett proceeds of the sales of the public lands which have and are to accrue to this State under the act of Congress entitled, "An Act to appropriate the proceeds of the public lands, and to grant pre-emption rights," approved fourth of September, eighteen hundred and forty one, shall be held by the State as a loan, and shall be and remain a perpetual fund, to be called the Free School Fund, on which the State shall pay an annual interest of six per cent.

41. It shall be the duty of the Treasurer of the State to apply annually and to receive from the General Government, the said ten per cent. of monies now due, and to become due, to this State, and to place the same when received to the credit of the proper fund, and report thereon to each session of the General Assembly.

42. The councils of the several municipalities of the city of New Orleans, be and they are hereby authorized and required to establish within their respective limits, and enact such ordinances for the organization, government, and discipline of the same, and are authorized to levy taxes for their support, as to the said councils may appear meet and proper, one or more public schools in each municipality for the gratuitous education of the children residing therein; to which public schools all resident white children shall be admitted for the purpose of education.

LAFAYETTE.

43. The common or primary school or schools of the city of Lafayette, shall be managed by a board of ten administrators, to be annually chosen by the Mayor and Council of the city of Lafayette, to wit: two from each ward of said city, which ten administrators, together with the Mayor, who shall be ex-officio president, will constitute the Board of Administrators, six of whom shall constitute a quorum for the transaction of business.

44. The said Mayor and Board of Administrators shall ap-

State Superintendent, contingent expenses.
1848.

121. 1
Register of Land Office, his duties
1848. Ex. S.
6. 1

Territorial division of lands sold
1848. E. S.
6. 2

The proceeds of sales of land under a certain act of Congress to constitute a school fund.
1847.
188. 1

Duty of State Treasurer.
1847.
189. 2

Municipal Councils authorized and requested to establish, and make provision for support of public schools in New Orleans.
1841.
21. 1

Common schools of Lafayette, how managed.
1845.
75. 1

Appointment of Trustees. 1827. 82. 5
1845. 75. 2.

of point, annually, three discreet citizens, heads of families, as trustees of the school or schools in said ward, whose duty it shall be to establish or discontinue their superintendence over such school or schools, when ordered by the administrators, to employ upon such equitable conditions and terms as may be agreed on, such teachers as they may find, after examination, to be qualified; to provide all things necessary for conducting the schools when so established; and to have the particular care and management of them; Provided, however, that they shall always be subject to the control of the administrators in the performance of their duties; and for any neglect thereof be removable by them.

Appportionment of the funds. 1827. 84. 8

45. The Board of Administrators shall apportion as equal as may be, the amount granted to their city among its several wards, unless in the exercise of a sound discretion, they shall determine that a different distribution will be of greater public utility, and advance in a higher degree the interest of education.

Trustees to report to administrators. 1825. 110. 4

46. The Trustees appointed by the administrators shall, at such time as they may be directed by the administrators, transmit to them a detailed account of the situation of the school or schools in the said city.

Teacher; grounds of claim to salary. 1828. 110. 5

47. That for a teacher to be entitled to his salary, it will be sufficient for him to prove that he has been employed as a teacher in one of the schools during six months.

Penalty for refusing to exercise function of administrator. 1827. 84. 10

48. If any person, appointed an Administrator, or elected treasurer of any board of administrators, shall refuse to accept said appointment, unless excused by those who have appointed him, or shall neglect to perform the duties imposed on him as aforesaid, it shall be the duty of the prosecuting Attorney of the District in which the parish in which he resides is situated, to institute against him a suit, before any competent court in said parish, for the recovery of a fine, which shall not exceed the sum of fifty dollars, nor be less than twenty-five dollars; and such fine shall be paid into the treasury of the Board of Administrators of said city.

Exemption from certain services. 1827. 84. 11
1844. 64.

Trustees' and administrators' liability to fine.

Their privileges. 1843. 8. 3

49. In consideration of the duties and liabilities herein imposed on administrators and treasurers of their boards, they shall not, while officiating as such, be compelled to serve as jurors, or perform militia duty in time of peace. Any trustee or administrator of a public school, who shall, without sufficient cause, fail to perform the several duties imposed upon him by the General laws, shall be liable to a fine of fifty dollars for each and every such neglect, to be sued for in each district by the State Attorney thereof, upon information given by the Secretary of State, or any member of the police jury of the parish; and said trustees shall be exempted from militia duty. The city Council of Lafayette may appropriate money for public education.

ELECTIONS.

ELECTIONS OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES.

Electoral districts. 1844. 21. 1

1. For choosing electors of President and Vice President of the United States, the State shall be divided into six electoral districts, arranged as follows, to wit:

The parishes of Plaquemine and St. Bernard, the Third Municipality of the city of New Orleans, and Faubourg Trémé shall constitute the First District.

The First Municipality (with the exception of Faubourg Trémé) and the Second Municipality shall constitute the Second District.

That part of the parish of Orleans lying on the right bank of the Mississippi river, the parishes of Jefferson, St. Charles, St. John the Baptist, St. James, Ascension, Assumption, Lafourche Interior and Terrebonne, shall constitute the Third District.

The parishes of St. Tammany, Washington, Livingston, St. Helena, East and West Feliciana, Pointe Coupée, East and West Baton Rouge, and Iberville, shall constitute the Fourth District.

The counties of Attakapas and Opelousas, and the parishes of Rapides and Avoyelles shall constitute the Fifth District.

The counties of Natchitoches, Ouachita, and Concordia, and the parishes of Catahoula and Franklin shall constitute the Sixth District.

2. In every year in which an election is to be held for electors of President and Vice President of the United States, such election shall be held on the Tuesday next after the first Monday in the month of November, in such year, in accordance with an Act of the Congress of the United States, approved January twenty-third, eighteen hundred and forty-five, entitled, "An Act to establish a uniform time for holding elections for electors of President and Vice President in all the States of the Union;" and such elections shall be held and conducted in the manner and form provided by law for general State elections.

Election of President and Vice President of the United States.
1846
77. 35
1847
13. 40

3. When a new parish shall be established, it shall form a part of the district to which it belonged previous to its change of organization.

New parishes, to what district they will belong.
1825
66. 3

4. Every voter shall vote for six persons, all of whom reside in different electoral districts from each other; and in case any ticket shall contain two or more names of persons residing in the same district, the first of such names only shall be considered as duly voted for.

Persons voted for must be residents of different districts.
1825
66. 4

5. Two persons inhabiting the same district, shall not be chosen electors by the people; wherefore, that person in each district, who, upon the examination at the seat of government of the returns of the votes hereinafter provided for, shall be found to have obtained a greater number of votes throughout the State than any other candidate residing in the same district with himself, shall be one of the electors, and no other person in that district shall be an elector, however great may be the majority of votes which he may have obtained over any other person residing in a different district.

Only one elector from each district.
1825
66. 5

6. No person shall be an elector, who, at the time of his election, is not a qualified voter in one of the parishes composing the district in which he may be chosen.

Elector must be a qualified voter in his parish.
1825
66. 6

7. The election for electors shall be conducted in the same manner which the law may, at the time, prescribe for the election of representatives to the State Legislature.

Elections, how conducted.
1825
66. 7

8. Three several certificates of the number of votes obtained by each candidate shall be made out and signed, immediately after the election, by the judge and commissioners of the election

Certificates of election.
1825
66. 8

in each parish, two of which shall be transmitted by them as soon as possible to the Governor by different mails, or other safe conveyance, and the third to the Secretary of State.

Examination of
the returns.
1825
68. 9

9. Immediately after the receipt of a return from each parish, or on the fourth Monday of November, if the returns should not sooner arrive, the Governor, in presence of the Secretary of State, the Attorney General, and the District Judge of the district and parish in which the government may be established, or any two of them, shall examine the said returns and ascertain therefrom the six persons who have been duly elected electors.

Returns to be pre-
served
1825
68. 10

10. One of the returns from each parish, endorsed by the Governor, shall be placed on file and preserved among the archives by the Secretary of State.

Names of elec-
tors, to be publish-
ed.
1825
68. 11

11. The names of the persons elected, together with a copy of the returns from the several parishes, shall forthwith be published in the newspaper or papers in which the laws of the State may be directed to be published.

Meeting of the
electors.
1825
68. 12

12. The electors shall meet at the seat of government on the day appointed for their meeting by the act of Congress, and shall then and there proceed to execute the duties and services enjoined on them by the constitution of the United States in the manner therein prescribed.

How replaced, if
they fail to attend.
1825
68. 13

13. If any one or more of the electors, chosen by the people shall fail, from any cause whatever, to attend, at the appointed place, at the hour of four, p. m., of the day prescribed for their meeting, it shall be the duty of the other electors, immediately, to proceed by ballot to supply such vacancy or vacancies, and if, after three ballots, the whole or any of the vacancies should not be filled by a majority of the votes given, the said electors, then assembled, shall proceed to decide the election for filling such vacancy or vacancies, by placing the names of all persons who may have been voted for by the said electors and who shall not have been elected on such ballots, in a ballot box, and drawing therefrom, one by one, as many names as there may be vacancies to fill; and the persons whose names shall be first drawn, shall be the electors supplying such vacancy or vacancies.

Compensation.
1825
8. 14

14. Each elector shall receive the same daily compensation and other allowance, which, at that time, shall be allowed by law to the members of the General Assembly, to be paid by the treasurer of the State on warrants signed by the Governor.

ELECTIONS FOR SENATORS TO REPRESENT THE STATE IN THE UNITED STATES' SENATE.

Time and man-
ner of holding elec-
tion for Senator.
1846.
1; 2.

15. On the first Monday following the meeting of the Legislature, in the session thereof, commencing in the year in which the term of office of any senator or senators chosen to represent this State in the Congress of the United States of America shall expire, or in case there is no session of the Legislature in such year, then in the year next preceding such year, the two Houses shall meet in the hall of the House of Representatives, and proceed to a choice of a senator or senators to represent this State in the Congress of the United States of America, in place of the senator or senators going out of office; and the person or persons having the greatest number of votes, shall be declared duly elec-

ted senator or senators; Provided, such number be a majority of all the members present.

16. Whenever the seat of a senator or senators, chosen to represent this State as aforesaid, shall become vacant before the expiration of the time for which he is or shall be chosen, another senator or senators shall be chosen in his room, within eight days after the Legislature shall have notice of such vacancy at the place where they shall then be sitting.

Vacancies in the United States Senate to be filled, and when.
1812.
32; 2.

17. Whenever any senator or senators shall be chosen as aforesaid, copies of the resolution of the Senate and House of Representatives, testifying such choice, signed by the president of the Senate and the speaker of the House of Representatives, shall be delivered to each person so chosen a senator, as evidence of such choice.

Senator elected to receive copy of resolution.
1812.
32; 3.

18. Whenever the seat of a senator or senators, chosen to represent this State as aforesaid, shall be vacant during the recess of the Legislature of this State, the Governor thereof may make a temporary appointment until the next meeting of the Legislature, which shall then fill such vacancy or vacancies in the manner before mentioned.

During recess, Governor empowered to fill vacancy in the United States Senate.
1812.
34; 4.

ELECTIONS OF REPRESENTATIVES IN CONGRESS.

19. All future general elections for representatives for this State in the House of Representatives of the Congress of the United States, shall be held at the same time and conducted in the same manner as is provided by law for the election of representatives to the General Assembly.

Elections for representatives in Congress.
1846.
77; 34.

20. The State of Louisiana is divided into four congressional districts, as follows, viz:

Congressional Districts.
1843.
69; 1.

The First District shall be composed of municipality number one and municipality number three of New-Orleans, the suburb Trémé, and the parishes of St Bernard and Plaquemine.

The Second District shall be composed of municipality number two of New-Orleans, of that part of the parish of Orleans situated on the right bank of the Mississippi river, and of the parishes of Jefferson, St. Charles, St. John the Baptist, St. James, Ascension, Assumption, Lafourche Interior and Terrebonne.

The Third District shall be composed of the parishes of Avoyelles, Catahoula, Carroll, Madison, Concordia, St Tammany, St. Helena, Livingston, Washington, East Feliciana, West Feliciana, Point Coupée, East Baton Rouge, West Baton Rouge, and Iberville.

The Fourth District shall be composed of the parishes of St. Mary, St Martin, Calcasieu, Lafayette, St. Landry, Rapides, Natchitoches, Caddo, Claiborne, Union, Ouachita and Caldwell.

21. As soon as possible after the expiration of the time of making the returns of election, the Governor, jointly with the Secretary of State, and a judge of one of the District Courts of this State, shall proceed to ascertain from the said returns, the person duly elected by the greatest number of votes throughout the State, a certificate of which election shall be entered on record by the Secretary of State, and signed by the Governor, and a copy thereof, subscribed as aforesaid, shall be delivered to the

Returns, by whom examined.
1828.
82; 3.

Certificate of election.
1812.
46; 5.

person so elected, and another copy transmitted to the House of Representatives of the Congress of the United States, directed to the speaker thereof.

22. In case of any vacancy, by death or otherwise, in the said office of representative, between any of the said general elections, it shall be the duty of the Governor of this State, by proclamation, to cause an election to be held on such day or days as he may appoint to fill such vacancy.

23. Sixty days shall be allowed for the return of all elections of representatives as aforesaid, whenever such election shall be held on the day of holding the general election of representatives to the Legislature of this State.

24. In the parishes of Orleans and Jefferson, all general elections for representatives in the Congress of the United States, shall be held at the same time, and conducted in the same manner as is provided for the election therein of representatives to the General Assembly.

GENERAL LAWS ON THE SUBJECT OF ELECTIONS.

25. The Governor is authorized and empowered to issue his proclamation, ordering in all cases not otherwise provided for, elections to be held in the different parishes of this State, to fill any and all vacancies that may happen in any elective office, from any cause whatsoever.

26. If any person, appointed a commissioner of election, shall not attend from the hour of the commencement of an election, and during the continuance of the same, such delinquent shall forfeit and pay a sum not less than ten, nor more than one hundred dollars.

27. Any elector who shall receive any gift or reward for his vote, in meat, drink, money given or lent, in indulgence for debt or otherwise, shall forfeit his right to elect for that time, and shall forfeit and pay a sum not exceeding fifty dollars, and suffer imprisonment not exceeding ten days, at the discretion of the Court; and any person who shall bribe as aforesaid, or who shall promise or attempt either directly or indirectly, to give or bestow any reward as aforesaid, in order to procure any person to be elected, shall upon conviction thereof, be fined in a sum not exceeding five hundred dollars, and be imprisoned for a term not exceeding two months.

28. If any person or persons shall use threats, menace, intimidation or violence, or raise or excite any riot or tumult, at any election within this State, with a design to influence unduly, or to intimidate or overawe the commissioners, or shall obstruct or interrupt such commissioners, or any other officer, in the discharge of his or their duties at said election, or shall, by threats or violence, attempt to overawe or influence unduly any voter at such election:—every person so offending shall, on conviction, suffer imprisonment not exceeding six months, and pay a fine to the State not exceeding five hundred dollars, and shall, moreover, be liable in damages to any party injured.

29. It shall not be lawful for the commissioners of election to open any folded ticket which may be received by them, before depositing the same in the box, or to place any number or mark

on any ticket, or to use any other means or device by which such ticket might afterwards be identified; and any commissioner so offending shall, on conviction, pay a fine of five hundred dollars, for each and every such offence.

30. If any commissioner or other person conducting an election under the laws of this State, shall be duly convicted of any wilful fraud, or of attempting to influence the votes of the electors in any manner whatever, in the discharge of the duties enjoined upon him or required by law, he shall forfeit and pay a sum not less than one hundred dollars, nor more than one thousand dollars, and shall be disqualified from holding any office of honor, trust or profit, in this State for ten years thereafter.

31. No officer or other person shall call or order out any of the militia of this State on any day during an election, held by virtue of any law of this State, or within one day previous thereto, except in case of insurrection or invasion, or danger thereof, on pain of forfeiting five hundred dollars for every such offence.

32. It shall be the duty of the Attorney General and other prosecuting attorneys, appointed for this State, to prosecute before any Court of competent jurisdiction, for all offences against the foregoing provisions of law.

33. All commissioners and others appointed and required to hold elections in this State who shall fail to make their respective election returns, as is required by law, shall be fined in a sum not exceeding two thousand dollars nor less than five hundred dollars, to be sued for and recovered before any court of competent jurisdiction, on information, by the District Attorneys of the respective districts.

CONTESTED ELECTIONS.

34. Any person intending to contest an election shall, within thirty days of the election, in case of a representative or senator, give to the person concerned a written notice, under his hand, and attested by two subscribing witnesses, stating the fact on which the contest is founded, and no other case afterwards shall be admitted, and ten days notice of the time and place of taking depositions thereon must be given the opposite party.

35. Any judge of a court of record, or two justices of the peace shall issue subpoenas for witnesses, and have power to compel their attendance, and the depositions taken before them shall be transmitted to the Secretary of State, who shall lodge them within three days after the next succeeding session with the clerk of the House of Representatives, or with the Secretary of the Senate, if they relate to a Senator.

36. The person or persons contesting an election shall present a petition signed by at least ten qualified electors of the district, within three days after the next meeting of the legislature, or within ten days of the time when such depositions were taken, allowing also one day for every twenty miles distance from the place of holding such elections, to the seat of government, praying the House to examine the facts and decide thereon; and the judgment rendered thereon shall either confirm or vacate the seat.

37. Any candidate for either of the offices of clerk of the dis-

1846.
76; 22.

Penalty.

Improper conduct
of commissioners.

1814.
93; 6.

How punished

Militia shall not be
ordered out, &c.

1814.
98; 7.

Attorney General
shall prosecute.

1814.
102; 13.

Neglect to make
returns.

1838.
91; 5.

Penalty.

Proceedings.

1814.
102; 10.

Witnesses sub-
poenaed.

1814.
102. 11

Petition to vacate
the seat of member
whose election is
contested.

1814.
102. 12

Petition in case

of contest.
1846.
116. 1

strict court, parish notary, sheriff, coroner, justice of the peace, and any other parish officer that may be elected by the people, intending to contest an election, shall within ten days after the election at which such candidate may claim to be elected, file in the district court of the parish in which the election may have been held, a petition setting forth the facts on which he intends to contest the election.

Evidence.
1846.
116. 3.

38. Either party to the contest shall have a right to proceed to take evidence relative to the facts specified or to be specified in the petition, at any time before the trial, on giving to the party against whom the contest is made, one day's notice of the time when and the place where the evidence is to be taken, if such place be within ten miles of the residence of the party to whom the notice is given; two days if within twenty-five miles; three days if within forty miles; and four days if at any greater distance from the residence of the adverse party.

Notice given.

Petition presented to the court.
1846.
116. 3

39. Within ten days after the election, the party contesting shall present to the court, and which shall be filed, a petition signed by at least twenty voters of the parish, or in case of an election by a ward or other division of a parish, then the voters signing such petition shall be ten in number, and be residents of the ward for which the election has been held, praying the court to examine the facts and decide thereon; the signatures to such petition shall be presumed to be genuine, unless shown by proof to be otherwise.

Proceedings.
1846.
116. 4

40. After ten days from the date of service of the petition of the contestant, and at least ten days' notice of the filing of the petition by the twenty voters, in case of election by the whole parish, or of ten voters in case the election be for less than the whole parish, as aforesaid, the adverse party or parties, as the case may be, shall be bound to answer, and the issue thus formed shall be proceeded with summarily, before the court and jury; the trial shall be conducted and submitted to the jury according to the laws by which other jury trials are governed; Provided, that a majority only of the jurors shall be required to return a verdict. The Jury shall have power to determine by their verdict which of the parties is entitled to the office, or to refer the same back to the people; the court shall have no power to grant a new trial, as in other cases, and no appeal shall be allowed.

Proviso.

Final judgment.
1846.
117. 5

41. The judgment rendered upon the first finding of the jury shall be final, and on certifying the same to the Governor, a commission shall be issued by him in favor of the person in whose favor the verdict may be.

New Election.
1846.
117. 6

42. If the finding of the jury be in favor of a new election, the sheriff or coroner as the case may be, shall advertise the same at the door of the house at which the election for each precinct in the parish is to be held, to be held on the fourth Monday after the last day of the term of court at which the trial has been had, and after at least fifteen days' notice, by advertisement as aforesaid.

Trial of contested elections.
1846.
117. 7

43. The trial of contested elections shall be proceeded with at any regular term of court, for the parish in which the contest is made; Provided, that if no regular term of the court is to be held for the parish within which the contest is made, within five weeks

from the time of filing the petition of the contestant, a special term of the district court shall be holden on the third Monday after the day on which the election for the office contested has been held, if such term can be holden without interfering with the regular term or terms of court, elsewhere in the district; but if such special term cannot be holden without such interference, then it shall be the duty of the judge to hold a special term for that purpose, on the second Monday after the close of the last regular session of the circuit, the sessions on which would otherwise have interfered with, in such district.

44. If the term at which the trial is to be proceeded with is not a regular jury term, the clerk, sheriff, and the officer vested with the power of recording mortgages in the parish, or a majority of them, shall within three days after the contestant and voters cause their petition to be filed, determine who are to be summoned as jurors for contested elections at the next, whether special or regular term of court, by placing in a box, and mixing together the names of one hundred voters of the parish, from which the names of fifty of said persons shall be drawn by the sheriff and registered as drawn by the clerk and notary, which fifty so drawn shall form a panel for the trial of such contested elections as may be for trial at such term of court; and if a jury cannot be formed from the fifty thus summoned, talesmen shall be summoned by the sheriff to make up a jury.

In case the sessions of the jury are not regular.
1846.
117. 8.

45. If either the sheriff, clerk, or the officer vested with the power of recording mortgages, be absent at the time fixed on to proceed either to selecting or drawing said jurors, the one or two who attend for the purpose shall select some other person or persons to perform the duties imposed as aforesaid on such absent person or persons, as the case may be, with whose assistance the selecting and drawing shall be proceeded with, as though all the officers named in the preceding section had been present, aiding and assisting in the same.

Absence of Sheriff or Clerk, &c.
1846.
117. 9

46. In selecting the names of the one hundred voters to be placed in the box, out of which such panel is to be drawn, it shall be the duty of those selecting the same, to select persons residing in such parts of the parish as will enable them most conveniently to attend the court.

Residence of Jurors.
1846.
117. 10

47. In empannelling the jury, each party shall be entitled to ten peremptory challenges.

Objections.
1846,
117. 11

48. The Governor shall not issue a commission until forty days after the day of election, for the parishes within one hundred and fifty miles of the seat of government; fifty days for those parishes over one hundred and fifty miles from the seat of government: the distance to be computed by the usually travelled route. On the successful candidate furnishing to the Governor a copy of the judgment of the court in his favor, duly certified by the clerk, dated after the last day of the term, the Governor shall immediately issue a commission to the successful party. On the certificate of the clerk, showing either that the contest has been abandoned, or the right to prosecute is lost by non-compliance with the foregoing provisions of law, the Governor shall issue his commission in

Commission, when delivered,
1846.
118. 13

favor of the person in whose favor the certificate of election has been granted.

FOR THE REGULATION OF ELECTIONS.

(*Except in the Parishes of Orleans and Jefferson.*)

Election of Rep-
resentatives and
Senators.
1846
72; 1

49. The next general election for Representatives in the General Assembly shall be held on the first Monday of November, one thousand eight hundred and forty seven; and all subsequent elections for such Representatives shall be held on the first Monday in November every two years thereafter; and all elections to supply the places of Senators in the General Assembly, whose term of service shall have expired, shall be held at the same time, as herein provided for the election of Representatives.

Election of Gov-
ernor and Lieut.
Governor.
1846
73; 2

50. In the years in which a Governor and Lieutenant Governor are to be elected, the election of such officers shall be held at the time and places provided for the election of Senators and Representatives.

Election of Sher-
iffs and Coroners.
1846
73; 3

51. The next election for Sheriffs and Coroners of the several parishes of this State, and all subsequent elections for such officers, shall be held at the same times before provided for the election of members of the General Assembly.

Election of
clerks, justices,
and constables.
1846
73; 4

52. The elections for clerks of the District Courts of the several parishes of this State, shall be held on the first Monday of November, one thousand eight hundred and forty nine, and every fourth year thereafter; and the election of Justices of the Peace and Constables shall be held at the time of the general election.

How elections
are to be held.
1846
73; 5

53. All future elections in this State shall be held in each parish, at the several election precincts now or hereafter to be established by law, until otherwise directed by the police juries or by such other parochial authority as may by law be invested with the powers now belonging to the police jury.

Election pre-
cincts.
1846
73; 6

54. The police jury of each parish, or such other parochial authority as may hereafter be invested with the powers now belonging to the police jury, shall have power to establish new election precincts, and to alter those existing.

Time for opening
and closing the
polls.
1846
73; 7

55. All elections shall be completed in one day; and the polls shall be kept open, at each precinct, from the hours of nine in the forenoon till four in the afternoon.

Commissioners of
election.
1846
73; 8

56. The elections at each precinct shall be presided over by three commissioners, any two of whom shall form a quorum; said commissioners shall be annually appointed by the police jury, or other parochial authority which may hereafter be invested with the powers now belonging to the police jury, and notified of their appointment in such manner as the police jury or other parochial authority may provide; but if the commissioners should not be so appointed, on or before the first Monday in October next preceding the election, then, it shall be the duty of the clerk of the court to appoint them on or before the second Monday in October next preceding the election, and if the clerk should fail to make the appointment until after that period, it shall be the duty of the sheriff to make the appointment as soon as practica-

ble thereafter, and notify the commissioners of their appointment, at the expense of the parish, whether the appointment be made by the clerk or sheriff; and such commissioners shall, before entering upon the discharge of their duties, take the oath prescribed by the eighty ninth article of the Constitution of the State of Louisiana: said oath to be administered by the sheriff or his deputy, or by any justice of the peace, or if neither the sheriff or his deputy, nor any justice of the peace be present, the commissioners may administer the oath to each other.

57. In case no commissioners shall have been appointed and notified of their appointment prior to the hour of nine o'clock, A. M., on the day of election, or if none of those who have been appointed and notified, be present within two hours after the time for opening the polls, the voters present shall hold a meeting and elect by ballot three commissioners to preside at the election; and should only one of the commissioners, appointed according to the preceding section, be present, such commissioner shall appoint another, and both together shall appoint a third; and the commissioners so appointed shall take the oath and discharge and perform all the duties of commissioners of election, in the same manner as if they had been appointed by the police jury, or other parochial authority; Provided, that no election be vitiated by a failure to open the polls at the times fixed, unless it shall be proven that a sufficient number of electors were deprived of their votes, to have changed the result of the elections.

Absence of the
commissioners at
the polls provided
for.

1846
73; 9

58. The commissioners of election shall preserve order and decorum at the election, and shall have power to commit to prison all disorderly persons, for a time not to extend beyond the hour of closing the polls; Provided, he shall be permitted to vote before being imprisoned.

Powers of the
commissioners.

1846
74; 10

59. It shall be the duty of the commissioners to receive the ballots of all legal voters who shall offer to vote, deposit the same in the ballot box, to be provided for that purpose, and to keep duplicate lists thereof. Immediately after the closing of the polls, they shall open that box and count the votes and make duplicate returns of the number of votes polled for each candidate, making mention of the name of the candidate, and the office voted for; they shall then deliver one of the lists of the votes taken, and one of the returns aforesaid, to the deputy sheriff, or other officer in attendance, whose duty it shall be to convey the same, without delay, to the returning officer of the parish; but if no deputy sheriff or other officer be in attendance, then such returns shall be conveyed to the returning officer by one of the commissioners of election for the precinct, to be selected by those who have presided at the election.

Duties of the
Commissioners.

1846
74; 11

60. When a person offering to vote shall be challenged, or the commissioners shall be in doubt as to his qualifications, they shall administer to the person so offering to vote, the following oath or affirmation, viz: I, A. B., do solemnly swear, (or affirm) that I have been for two years a citizen of the United States (if a naturalized citizen, he shall state on his oath the place at which he was naturalized,) and that I have attained the age of twenty-one years, and that I have resided in this State two consecutive

Oath taken if
vote is challenged.

1846
74; 12

years next preceding this election, and the last year thereof in this parish; and I do further solemnly swear (or affirm), that since the adoption of the present constitution of the State of Louisiana I have not fought a duel with deadly weapons, with a citizen of this State, nor sent or accepted a challenge to fight a duel with deadly weapons, either within this State or out of it, with a citizen of this State, nor have I acted as second, or knowingly aided or assisted, in any manner, any person thus offending, so help me God. A copy of which oath shall be furnished, with the election box, for each precinct, and be left in it for the information of the commissioners of election.

When a vote is
to be refused,
1846
74; 13
Oath of voters to
be filed.
1846
74; 14

61. Should any person offering to vote, refuse to take the oath or affirm to it as prescribed in the foregoing section, the vote of such person shall not be received.

62. It shall be the duty of the commissioners of election to have a copy of the above oath at the head of a list, to which all persons allowed to vote on oath shall be compelled to sign before the vote is placed into the box; and it shall be the duty of the magistrate presiding at each box, to have said copy and list filed in the office of the clerk of the District Court of the parish in which the poll was held.

Punishment for
swearing falsely.
1846.
75; 15

63. In all cases where the oath or affirmation prescribed shall be administered by the commissioners of election, any person swearing or affirming falsely in the premises, shall be deemed guilty of the crime of perjury, and on conviction thereof, be punished in the same manner as other persons, found guilty of the crime of perjury.

Voting in precincts.
1846.
75; 16

64. It shall be lawful for any person to vote at any precinct within the parish of his residence; but in cities and towns which are or may be divided into election precincts, every voter in such town or city shall vote at the precinct wherein he resides.

Who excluded
from voting.
1846.
75; 17

65. All persons convicted of the crimes of bribery, perjury, forgery, and other high crimes and misdemeanors, punishable by imprisonment with hard labor in the penitentiary, shall be excluded from the right of suffrage.

Illegal voting.
1846.
75; 18.
Penalty.

66. Any person who shall knowingly vote without having a legal right so to do, or who shall be guilty of voting a second time at the same election, shall be liable to prosecution before the District Court of the parish in which he votes, by information or indictment, and on conviction shall suffer fine or imprisonment, or both, at the discretion of the Court.

Tickets, how writ-
ten or printed.
1846.
75; 19

67. All the names of the persons voted for by each voter, except those voted for for justices of the peace and constables, shall be written or printed on one ticket, on which the names of the persons voted for, together with the offices for which they are voted for, shall be accurately specified; and should two or more tickets be folded together, the tickets so folded shall be rejected.

Ballot box, how
provided.
1846.
75; 20

68. It shall be the duty of the sheriff of each parish to provide for each election precinct within said parish, one suitable ballot box, for the ballot for justices of the peace and constables, and another for the ballots for other officers, at the expense of the parish.

69. It shall be the duty of the sheriff of each parish, to have

at each election precinct, within his parish, a deputy sheriff, or other person authorized by him, whose duty it shall be to attend at the election, and obey the orders of the commissioners, and faithfully to convey the returns which shall be delivered into his hands by the commissioners, and to deliver the same to the sheriff, or returning officer, within forty eight hours after the close of the polls; and for his wilful neglect or failure to perform all or any of the duties incumbent on him, according to the true intent and meaning of the foregoing provisions of law, such deputy sheriff, or other person authorized by him, shall be fined in a sum not exceeding five hundred dollars, at the discretion of the District Court.

Sheriff, &c., to attend the precincts.
1846.
76; 23

70. Should any deputy sheriff or other person authorized by the sheriff, fail to attend, the commissioners of election shall appoint a suitable person to act in his place at the precinct.

Commissioners to appoint.
1846.
76; 24]

71. Notice of every general election shall be given at least thirty days before said election, by notices posted up at each precinct, in the English and French languages, or if there be a newspaper published in the parish, the notices may also be, by publishing the notice in such paper in the same languages, provided that it shall not be necessary to publish any notice in the French language in either of the parishes of Catahoula, Caldwell, Franklin, Carroll, Madison, Tensas, Concordia, East and West Feliciana, Ouachita, Morehouse, Jackson, Union, St. Helena, Livingston and Washington.

Notice of election, how given.
1846.
76; 25

72. It shall be the duty of the Commissioners at the several precincts to make their returns, and forward the said returns, together with the list of the voters, to the returning officer of the parish, whose duty it shall be on the second day after the closing of the polls, to repair to the Court house of the parish, and there in presence of at least two witnesses, and as many other persons as may attend, to compile the returns sent in by the commissioners at the several precincts, to make public proclamation of the result and to make due return thereof to the Secretary of State.

Returns of election, how made.
1846.
76; 26.

73. It shall be the duty of the returning officer in each parish, to make out triplicate returns: to forward one of said returns immediately by mail to the Secretary of State; to forward another to the Secretary of State by the next speedy mode of conveyance, and to deposit the third in the office of the clerk of the District Court; and for his wilful failure or neglect herein, such returning officer shall be fined in a sum not exceeding five hundred dollars, at the discretion of the Court.

Neglect or failure to make returns.
1846.
76; 27

74. In all elections for Senators, Representatives, sheriffs, coroners and clerks of the District Courts, if there should be an equal number of votes given to two or more candidates, the election for such officer or officers, thus not filled, shall be again returned to the people in the parish or district, as the case may be, public notice of ten days to be first given in the same manner as in the first election, without the proclamation of the Governor.

Penalty.
Second election, how proceeded with.
1846.
76; 28

75. Any commissioner or commissioners who shall knowingly receive an illegal vote or votes, shall be tried therefor on in-

Receiving illegal votes.
1846.
77: 29

dictment or information, and on conviction, shall suffer fine or imprisonment, or both, at the discretion of the court.

Returning officers
1846.
77; 30

76. In all elections the sheriff of each parish shall be the returning officer thereof, unless such sheriff be himself a candidate, in which case the coroner of the parish, for the time being, shall be returning officer, with respect to the office for which the sheriff may be a candidate.

Notice of elec-
tion.
1846.
77; 31

77. It shall be the duty of the Governor, at least six weeks before every general election, to issue his proclamation, giving notice thereof, which proclamation shall be published in English and French, in the State Gazette, and copies thereof forwarded to the several returning officers throughout the State.

Vacancies, how
filled.
1846.
77; 32.

78. Whenever the seat of any Senator or Representative shall become vacant, it shall be the duty of the Governor, within five days after being officially informed of such vacancy, to issue his writ of election to supply such vacancy, directed to the proper returning officer, whose duty it shall be, within three days after the receipt of such writ, to give public notice that an election will be held to fill such vacancy, on a day to be named by him, which shall not be within less than eight or more than fifteen days after the publication of such notice; if such election be held during or within fifteen days next preceding a session of a legislature to fill a vacancy therein, but if not, then the election shall be holden upon a day not less than twenty, nor more than thirty days after the publication of such notice, and such election shall be held and conducted, and the returns thereof made in the manner and form provided for general elections.

Contested elec-
tions, how decided.
1846.
77; 33

79. In all contested elections for members of the General Assembly, each House shall have power to determine which of the parties in contest is entitled to the seat, and to award it accordingly.

Duty of State At-
torneys.
1846.
78; 36

80. It shall be the duty of the Attorney General and the several District Attorneys to prosecute all persons offending against the foregoing provisions.

Elections to be
uniform.
1846.
78; 37

81. The foregoing provisions, except as to time and place of holding elections, shall apply in the election of all officers whose elections are not otherwise provided for.

Expenses.
1846.
78; 38

82. All necessary expenses, incurred by the sheriff and other officers under the foregoing provisions, shall be paid by the parish in which they may be incurred.

Constable, his qua-
lifications.
1846.
93; 1

83. There shall be elected for the term of two years, by the qualified electors of the several wards of the different parishes of this State, a constable for each of said wards, who shall reside in the ward for which he shall be elected, and be qualified to vote for members of the General Assembly of the State: Provided, that the term of those first elected shall expire on the first Monday of November, eighteen hundred and forty-seven.

Proviso.

Vacancy, how fill-
ed.
1846
93; 2

84. Should any vacancy occur in the office of constable of the wards, as provided in the above section, by failure to elect, death, resignation, or otherwise, the parochial authorities, upon proper representation of the same, shall forthwith order an election to fill such vacancy for the residue of such term, by giving a written notice of the same, at least twenty days previous to said

election, which shall be posted up by the sheriff of the parish, at the place of voting in said ward.

85. An election shall be held in each of the police jury wards of the several parishes of the State, on the first Monday of November, eighteen hundred and forty seven, and every two years thereafter, for the election of justices of the peace. The person receiving the greatest number of votes polled for justice of the peace within each ward at any election, shall be deemed elected for the same.

Elections of justices of the peace.
1846.
70; 1

86. In case of death, resignation, or removal of any of the Justices of the Peace from their respective wards, the parochial authorities shall be required to order an election to fill the vacancy so occasioned.

Death or resignation.
1846.
71; 7

87. The police juries shall have the power to establish in the parishes of this State, such and as many election precincts as they may deem necessary: Provided, the number of election precincts in each parish shall never be less than that required by existing laws, and that a precinct, once established, shall not be abolished, nor its location changed, except by a vote of two thirds of all the members elect of the police jury: Provided further, that there shall at least be one precinct established in each police jury ward as aforesaid.

Election precincts
1846.
94; 1
1847. 117.
1848. 143.

88. The foregoing provisions of law do not apply to the parishes of Orleans and Jefferson.

Application.
1846
78. 39
1846
93. 3
71.

FOR THE REGULATION OF ELECTIONS IN THE PARISHES OF
ORLEANS AND JEFFERSON.

89. The next general election for representatives in the general assembly shall be held on the first Monday in November, eighteen hundred and forty-seven, and all subsequent elections for such representatives shall be held on the first Monday in November, every two years thereafter; and all elections to supply the places of Senators in the general assembly whose terms of service shall have expired, shall be held at the same time, as herein provided, for the election of representatives.

Elections for members of general assembly
1847
7. 1

90. In the years in which a Governor and Lieutenant Governor are to be elected, the election for such officers shall be holden at the time and places herein provided for the election of Senators and Representatives.

Election of Governor and Lieutenant-Governor.
1847
7. 2

91. The elections for Sheriffs and Coroners, and all other parish officers of said parishes, and all subsequent elections for such officers, shall be holden at the same times provided for the election of members of the general assembly.

Election for sheriffs and coroners.
1847
8. 3

92. The first election of the clerks of the district courts, and all other parish officers for the parishes of Orleans and Jefferson, shall be holden on the third Monday in June, eighteen hundred and forty-six.

Election of clerks &c.
1847
8. 4

93. The general council of the city of New Orleans, for the elections in the said city, and the police jury of the parish of Orleans, on the right bank of the river, or such parochial authorities as may by law be invested with the powers of the police jury, shall have power to establish new election precincts, and to alter those existing; Provided, that there shall not be more than four, nor less than two election precincts in each of the repre-

Election precincts.
1847
8. 5

representative districts in the city of New Orleans, and that the polls of no two representative districts be held in the same place.

Election precincts
of the parish of Jef-
ferson.

1848. Ex. S.
68. 1

94. The parish of Jefferson shall be divided into seven election precincts, to wit: the city of Lafayette shall be divided into two election precincts; the first precinct shall embrace all that portion of said city between the line which separates the parishes of Orleans and Jefferson, on the left side or bank of the Mississippi, as far back as the boundary of the city of Lafayette extends, and the centre of Philip street, from the river to the rear limit of said city of Lafayette, the polls to be opened at the court house; and the second precinct shall include all that part of said city, from the centre of Philip street to the upper line of said city, as now or hereafter to be established, and from the river Mississippi to the rear limits of said city. One in that portion of said parish embraced within the upper line of Lafayette and the lower line of Greenville, the polls whereof shall be opened in the faubourg Boulogny; and for all that portion of said parish embraced within the lower line of the town of Greenville and the upper limit of said parish, the polls thereof to be opened in Carrollton. One for all that portion of said parish lying on the right bank of the river Mississippi, the polls whereof shall be held at the place known as the Glass Works. One for all that portion of said parish known as the Barrataria Settlements. One for that portion of said parish lying on the sea shore, and known as Grand Isle, Grande Terre, and Chenière Caminada.

Notice of election.

1847
8. 7

95. The sheriff of said parish shall give at least ten days' notice of the place at which, in each of the foregoing precincts, such elections shall be held; which notice shall be published in French and English in a newspaper published in said parish, and by posting the same at some point in each of the election precincts; the expenses of which notices shall be paid out of the parish treasury; Provided, that the corporations of the city of Lafayette, town of Carrollton, and borough of Freeport, shall refund their proportion of said expenses, to be apportioned according to the amount of State taxes paid in their respective limits.

Expenses.
Proviso.

Appointment of
commissioners, &c.

1847
8. 8
193. 1

96. For all elections in said parish, the justices of the peace shall meet at least five days prior thereto, and appoint three commissioners and two clerks, to register the names of voters and sign the returns.

Returning officers
in certain cases.

1847
193. 2

97. When the sheriff and coroner are both candidates for re-election, the sheriff shall be returning officer, so far as the coroner is concerned, and the coroner shall be returning officer so far as the sheriff is concerned.

Place of holding
elections.

1847
9. 9

98. Until otherwise directed by proper authority, all future elections within the parish of Orleans shall be holden at the several precincts now established by law.

Time the polls
shall be open.

1847
9. 10

99. All elections shall be completed in one day, and the polls shall be kept open at each precinct, from the hour of nine in the forenoon till the hour of six in the afternoon.

Appointment of
commissioners, &c.

1847
9. 11
193. 1

100. It shall be the duty of the police jury of the parish of Orleans, on the right bank of the river, or such parochial authority as may by law be invested with the powers of the police jury, and of the general council of the city of New Orleans, to appoint, at

least five days before the election, three commissioners to preside at the election, and two clerks to register the names of the voters and sign the returns, at each precinct within their respective jurisdiction.

101. The commissioners and clerks of elections, appointed as herein provided for, must have the qualifications necessary to vote at the precinct for which they are appointed; and before entering upon the duties of their office, take the oath prescribed by the eighty-ninth article of the constitution of the State of Louisiana, said oath to be administered by any judge or justice of the peace, or alderman of said cities.

Qualifications of
commissioners and
clerks.
1847
9. 12

102. Should none of the said commissioners present themselves at the proper hour of opening the polls, or if they are unwilling to act, or delay their attendance on the polls beyond a reasonable time, then the Mayor of each of the cities of New Orleans and Lafayette, for the precincts situated in their respective cities, shall appoint three commissioners to act in their stead. And at the polls in the residue of the said parishes, all vacancies, either of non-attendance, or withdrawal of all the commissioners, shall be filled by the appointment of the returning officer at said polls or precincts, under a certificate showing the same; and should only one of the commissioners, appointed according to the preceding ninety-sixth section, be present, such commissioner shall appoint another, and both together shall appoint a third; and in case of the absence of either clerk or clerks, the commissioners shall appoint a suitable person or persons to act as such; said commissioner and clerk or clerks appointed under the provisions of this section to have all the powers and to perform all the duties provided by law for the commissioners and clerks first named.

Appo intment
commissioners and
clerks in case of
vacancy.
1847
9. 13

103. The commissioners of elections shall preserve order and decorum at the election, and shall have power to commit to prison all disorderly persons, for a time not to extend beyond the hour of closing the polls.

Order and deco-
rum to be preser-
ved.
1847
9. 14

104. It shall be the duty of the commissioners to receive the ballots of all legal voters who shall offer to vote, deposit the same in the ballot box, to be provided for that purpose, and to keep duplicate lists thereof. Immediately after the closing of the polls, they shall open the ballot box and count the votes, and make duplicate returns of the number of votes polled for each candidate and the office voted for. The commissioners and clerks of elections shall sign the aforesaid returns, and shall then and there deliver one of the lists of the votes taken, and one of the returns aforesaid, to the deputy sheriff or other officer in attendance, whose duty it shall be to convey the same without delay to the returning officer of the parish.

Duty of commis-
sioners.
1847
9. 15

105. When a person offering to vote shall be challenged, or the commissioners shall be in doubt as to his qualifications, they shall administer to the person so offering to vote, the following oath or affirmation, to wit:

Vote challenged.
1847
10. 16

I, A. B., do solemnly swear (or affirm) that I have been two years a citizen of the United States: that I have attained the age of twenty-one years; and that I have resided in this State two consecutive years, next preceding this election, and the last thereof

Oath.

in this parish; and I do further solemnly swear (or affirm) that since the adoption of the present constitution of the State of Louisiana, I have not fought a duel with deadly weapons with a citizen of this State, nor sent or accepted a challenge to fight a duel with deadly weapons, either within this State or out of it, with a citizen of this State; nor have I acted as second, or knowingly aided or assisted in any manner, any person thus offending; and I do further swear (or affirm) that I have not voted in any other precinct, so help me God." If a naturalized citizen, any one of the commissioners of election may require that he should state the place where he was naturalized.

When vote shall
be refused.
1847.

10 ; 17.

106. Should any person offering to vote, refuse to take and subscribe to the oath prescribed in the foregoing section, his vote shall be refused by the commissioners.

When voter is
objected to.
1847.

10 . 18

107. When any person offering to vote is objected to, the commissioners shall administer to him the oath required by law; and at the request of any person, the commissioners shall enter on the roll against the name of the person objected to, the words "sworn in", to be used as evidence against said voter on a trial for perjury.

Swearing falsely,
perjury.
1847.

10 ; 19.

108. In all cases where the oath prescribed shall be administered by the commissioners of election, any person swearing falsely in the premises shall be deemed guilty of the crime of perjury, and, on conviction thereof, be punished in the same manner as other persons found guilty of the crime of perjury.

Residence.

1847.

10 ; 20.

109. Each voter shall vote in the precinct in which he resides at the time of the election, and he shall be deemed to reside where he has lodged or slept for the last three months; Provided, however, that no person shall be deemed to have lost a residence in one district until he shall have acquired a residence in another.

Persons denied
the right to vote.
1847.

10 ; 21.

110. All persons convicted of the crime of bribery, perjury, forgery and other high crimes or misdemeanors punishable with confinement in the penitentiary at hard labor: or all persons convicted of any of said offences in any other State, territory, or foreign country, and who shall have removed here, shall not have the right to vote.

Illegal voting.

1847.

11 ; 22.

111. Any person who shall knowingly vote without having a legal right so to do, or who shall be guilty of voting a second time at the same election, shall be liable to prosecution before the District Court of the parish in which he votes, by information or indictment, and on conviction, shall suffer a fine of five hundred dollars, and imprisonment for twelve months at hard labor in the penitentiary.

Form, &c., of ticket.

1847.

11 ; 23.

112. All the names of the persons voted for by each voter, shall be written or printed on one ticket, on which the names of the persons voted for, together with the offices for which they are voted for, shall be accurately specified; and should two or more tickets be wrapped together, the whole shall be rejected.

Ballot boxes.

1847.

11 ; 26

113. It shall be the duty of the sheriff of each of the said parishes, to provide for each election precinct within their respective parishes, one box for the reception of the ballots.

114. It shall be the duty of the sheriff of each of said parishes

to have, at each election precinct within his parish, a deputy sheriff, whose duty it shall be to attend at the election and obey the orders of the commissioners, and faithfully to convey the returns, which shall be delivered into his hands by the commissioners, and to deliver the same to the sheriff, or returning officer, within three days after the close of the polls; and for his wilful neglect or failure to perform all or any of the duties incumbent on him, such deputy sheriff shall be fined in a sum not exceeding five hundred dollars, at the discretion of the judge of the District Court of the parish of Jefferson, or of the First District Court of New-Orleans.

Deputy sheriff, his duties.
1847.
11 ; 27.

115. Should any deputy sheriff fail to attend, the commissioners of elections shall appoint a suitable person to act as deputy sheriff at the precinct.

Acting deputy.
1847.
11 ; 28.

116. Notice of every general election shall be given by the sheriff of said parish at least ten days, by advertisement, in French and English, in at least three newspapers in the parish of Orleans, and one in the parish of Jefferson.

Notice of election.
1847.
11 ; 29.

117. It shall be the duty of the commissioners and clerks at the several precincts, to complete their returns and forward the same, together with the list of voters, to the returning officer of the parish, whose duty it shall be, immediately on the receipt thereof, to forward the same to the Secretary of State.

Returns.
1847.
12 , 30.

118. It shall be the duty of the returning officer in each of said parishes to make out duplicate returns, to forward one of the said returns to the Secretary of State, and to deposit the other in the parish of Jefferson, in the office of the clerk of the District Court, and in the parish of Orleans, in the office of the clerk of the First District Court.

Duplicate returns.
1847.
12 ; 31.

119. In all elections for senators and representatives, sheriffs, coroners and clerks of the District Courts, and all other parish officers, in case any two or more candidates should have an equal number of votes, the election, so far as regards the candidates who have an equal number of votes, shall again be referred to the people.

Election referred to the people.
1847.
12 ; 32.

120. Notice of said election shall be given within ten days after the first election, in conformity to section one hundred and sixteen, by the sheriff of the parish; and in case that the election of the sheriff be again referred to the people, the said notice shall be given by the coroner of the parish.

Notice of such election.
1847.
12 , 33.

121. Any commissioner or commissioners who shall knowingly receive an illegal vote or votes, shall be tried therefor on indictment or information, and on conviction, shall suffer a fine of one thousand dollars, and imprisonment in the penitentiary at hard labor for two years.

Receiving illegal votes.
1847.
12 ; 34.

122. In all elections, the sheriff of each parish shall be the returning officer thereof, unless such sheriff be himself a candidate; in which case the coroner of the parish for the time being shall be returning officer with respect to the office for which the sheriff may be a candidate.

Returning officer
1847.
12 ; 35.

123. It shall be the duty of the Governor, at least six weeks before every general election, to issue his proclamation, giving notice thereof; which proclamation shall be published in En-

Proclamation.
1847.
12 ; 36

glish and French, in the State gazette ; and copies thereof forwarded to the several returning officers of the said parishes.

Vacancy in the
State Senate or
House of Represen-
tatives.

1847.

12 ; 37.

124. Whenever the seat of any senator or representative shall become vacant, it shall be the duty of the Governor, within five days after being officially informed of such vacancy, to issue his writ of election to fill such vacancy, directed to the proper returning officer, whose duty it shall be, within three days after the receipt of such writ, to give public notice, that an election will be held to fill such vacancy on a day to be named by him, which shall not be within less than eight or more than fifteen days after the publication of such notice ; and such election shall be held and conducted, and the returns thereof made, in the manner and form provided for general elections.

Contested election.

1847.

12 ; 39.

125. When any person shall desire to contest the election of any sheriff, coroner, or clerk, he shall, within ten days after the close of the election, give written notice thereof to the opposite party, which notice shall specifically set forth all the grounds of contest, and shall, within the same space of time, present a petition to the judge of the First District Court of the parish of Orleans, or the district judge of the parish of Jefferson, as the case may be. The said judge shall proceed without delay to examine said grounds of contestation, and may, on the application of either party, order a jury to try the issue ; and the decision thereon shall be final.

Election for Repre-
sentatives in Con-
gress.

1847.

12 ; 39.

126. All future general elections for representatives of the Congress of the United States shall be held at the same time, and conducted in the same manner as is herein provided for the election of representatives to the General Assembly.

Election for elec-
tors of President,
&c.

1847.

12 ; 40.

127. In every year in which an election is to be holden, for electors of President and vice President of the United States, such election shall be held on the Tuesday next after the first Monday in the month of November in such year, in accordance with an Act of the Congress of the United States, approved January twenty third, eighteen hundred and forty-five, entitled : "An Act to establish a uniform term of holding elections in all the States of the Union"; and such elections shall be held and conducted in the manner and form provided by law for the general State elections.

Duty of State At-
torneys.

1847.

12. 41

128. It shall be the duty of the Attorney General and the several District Attorneys to prosecute all persons offending against the foregoing provisions.

Expenses.

1847.

12. 42

129. The expenses incurred by the sheriff in carrying into effect the duties imposed upon him by the foregoing provisions of law, shall be defrayed by the municipality, or parish, in which they are performed.

Election of Jus-
tices of the Peace
for the Parish of
Orleans.

1846.

78. 2

130. The six justices of the peace for the parish of Orleans shall be elected by the duly qualified voters of said parish, in the manner following : one by the qualified electors of the first and second representative districts ; one by the qualified electors of the third representative district ; one by the qualified electors of the fourth representative district ; one by the fifth and sixth representative districts ; one by the seventh, eighth and ninth representative districts ; and one by that part of the parish of Orleans

on the right bank of the river ; and said justices shall hold their courts in their respective districts.

131. The returns of elections of said justices of the peace shall be made to the Secretary of State, and the Governor shall grant a commission to those duly elected ; in which he shall designate the district for which the parties were elected ; but said commissions shall not be delivered to any of said justices of the peace, unless they shall have taken respectively the oath prescribed by the constitution and laws of the United States and of the State of Louisiana.

Returns, &c., to
whom made.
1846.
79. 4

132. There shall be one constable for each justice's court in the parish of Orleans, who shall hold his office for the term of two years, dating from the first Monday of November, eighteen hundred and forty-five, and who shall be elected by the qualified voters of the parish, residing within the sectional limits, within which each justice is required to hold his court.

Constables.
1846.
82. 23

133. There shall be and hereby are created, six justices of the peace, in and for the parish of Jefferson.

Justices of the
peace for the Par-
ish of Jefferson.
1846.
84. 1

134. No person shall be eligible as justice of the peace in said parish, who shall not at the time of his election possess all the qualifications of an elector of Representatives to the Legislature ; and any person qualified to vote in said parish for such representative, shall have the right to vote for justices of the peace : Provided, that at the time he offers to vote, he shall have resided full six months in the district in which he offers to vote.

Qualifications.
1846.
84. 2

135. In each justice of the peace district in the parish of Jefferson, one constable shall be elected by the qualified electors of the said district, except in the city of Lafayette, in which district the qualified electors shall elect two constables.

Constables.
1846.
87. 1

136. Said constables shall each give bond in the sum of five hundred dollars, with two good and solvent securities, to be approved by the justice of the peace, for whose district said constable is elected, for the faithful discharge of the duties of constable : Provided, the constables elected in the city of Lafayette shall each give bond, to be approved by either of the justices of the city of Lafayette, in the sum of one thousand dollars, with two good securities. The said bonds to be deposited in the office of the clerk of the district court in said parish ; a certified copy of said bond may be given in evidence in any case.

Shall give bond,
1846.
87. 2

137. There shall be elected by the qualified electors of the parish of Jefferson, a recorder of mortgages at the same time, for the same term, and under the same regulations as are prescribed for the election of parish recorder in said parish, and the recorder of mortgages shall have all the qualifications required for parish recorder.

Recorder of mort-
gages.
1846.
87. 1

138. In the cities of New Orleans and Lafayette if any person shall attempt to vote in one precinct after having already voted in an other, he shall pay a fine not exceeding one hundred dollars ; and in the event of the delinquent being unable to pay the fine aforesaid, he shall be imprisoned for a term not exceeding fifteen days. Immediately after the election, the commissioners before whom the last vote shall have been given, or attempted to be given, shall hand over the name of the delinquent

Attempting to
vote twice.
1835.
181. 10.

Penalty

to the Attorney General, who shall prosecute him for the recovery of the said fine, before the criminal court of the First Judicial district, and one half of said fine, if recovered, shall be paid to the informer, if there be one.

Right of a voter.
1835.
181; 11.
139. Any voter shall have the right to require that any other person attempting to vote should be put on his oath, and made to declare whether he has not voted in another precinct. And in case such person should make a false oath, he shall be subject to the penalties provided by the laws of this State for the crime of perjury.

ELECTION OF JUSTICES AND CONSTABLES IN EAST BATON ROUGE.

When election is to be held.
1848.
103. 1
140. An election shall be held in each of the police jury wards of the parish of East Baton Rouge, on the third Monday of November, eighteen hundred and forty-nine, and every two years thereafter, for the election of justices of the peace and constables for said parish.

ELECTION OF CONSTABLE IN OPELOUSAS.

When held, and to what subject.
1842.
11. 2
141. A constable shall be elected by the qualified voters of the town of Opelousas, at the time of electing the members of the board of police of the said town; and the election of said constable shall be subject to all the rules and regulations now provided by law for the election of said board of police.

In case of vacancy.
1848.
11 3
142. In the event of a vacancy in the office of town constable, occurring either by death, resignation, or by failure to qualify, or otherwise, the vacancy may be filled by said board of police.

ENGINEER

Engineer.
1842
422. 2.
1. The superintendence and direction of the public works shall be entrusted to an engineer, skilled in the theory and practice of his profession, who shall be appointed annually by the Governor, by and with the advice and consent of the Senate; and his compensation shall be fixed at three thousand five hundred dollars per annum, payable quarterly, on his warrant, by the Treasurer of the State.

Powers.
1842.
422. 3
2. The said engineer shall have full powers to appoint and remove at will all officers necessary to carry on the public works: Provided, the salary of superintendents shall not exceed twelve hundred dollars each per annum, and mates four hundred and eighty dollars each per annum, which salaries may be reduced at the discretion of the engineer; and provided, that he shall not appoint more than three superintendents and mates; and provided, that he shall not have the power to alter or change the order and completion of works in progress on the twenty-fifth of March, eighteen hundred and forty-two, by order of the Board of Public Works, until they are completed; and provided, he shall not have the power to appoint any person or persons to make surveys, or in any other manner to increase the expenditure of the State in his Department.

Salary of superintendents and mates.
Number limited.
Works in progress to be completed.
Secretary to be assistant engineer.
1842.
424, 4
1850
86
3. In the appointment of a secretary to keep the books and proceedings of his office, the Engineer shall appoint an Assistant Engineer, who shall be capable of making any surveys, plans, and estimates which the Engineer may entrust to his charge, and that the salary of said Secretary shall be two thou-

sand dollars per annum, payable on the warrant of the State Engineer.

4. For the payment of all sums due or monies required for the works, the Engineer shall draw his warrant, countersigned by the Governor or Secretary of State, upon the State Treasurer, which warrants will be held as vouchers by the Treasurer aforesaid, and shall be submitted at the same time at which he renders his annual account of disbursements of the ordinary revenue, for the investigation of the committee appointed by the Legislature for that purpose.

Pay warrants,
1842.
424. 5

5. It shall be the duty of the Engineer to report to the Legislature, at or near the commencement of every annual session thereof, the exact state of the fund for internal improvements, the progress and condition of the works, the surveys, plans and estimated expense of such new works as he may recommend to the patronage of the Legislature, together with such other information as he may have in his power to collect in relation to the objects committed to his charge, and he shall submit, for the investigation of the committee of the Legislature appointed for the purpose, his books and vouchers for expenditures.

Annual Report.
1842.
424. 6

6. All the books, papers, maps, surveys, and every thing appertaining to the administration of the public works under the former board, and all the slaves, boats, and other property in possession of said board, shall be delivered over to the Engineer.

Books and vouchers,

Disposition of
books, papers, &c.
1842.
424; 7

7. When from any cause or causes the forces in any of the Internal Improvement Districts of this State cannot be advantageously employed on work in the order directed by law, then, and in that case, the State Engineer may direct the forces to be employed on other important works in such district until the cause or causes cease, and in the event that the State Engineer may, on examination, find that any work ordered by law be unimportant, useless or impracticable, then and in that case, such work or works may be suspended, and it shall be the duty of the State Engineer to report to the General Assembly at the next session thereafter, the causes and reasons for such change and suspension, and that he shall hereafter report to the Legislature at the commencement of each session the practicability and utility of the various works ordered and the order in which they should be performed.

Certain duties
prescribed and certain
powers given.
1850
220. 1

8. It shall be the duty of the State Engineer in the employment of superintendents of the State hands and boats, to employ persons actually interested in the improvements to be made, if persons having proper qualifications can be obtained, who shall always be liable to be removed at the discretion of the State Engineer.

Certain persons
to be employed.
1850.
220. 2

FAMILY MEETINGS.

1. Whenever any person shall have contradictory interests with those of one or more minors in the settlement of an estate, in the partition and sale of an undivided property, or in any business in which a family meeting shall be necessary to pronounce on the interest of minors; it shall not be lawful for such per-

No persons having
contradictory inter-
ests can be mem-
ber of family meet-
ing.
1828.
160; 24.

son to be a member of said family meeting, although he be one of the nearest relations.

Relations failing
to attend family
meetings to be fined
1834.
112, 1.

2. If any relation of a minor heir, or heirs, after having been legally summoned to compose a family meeting of such minor heir, or heirs, shall fail to attend according to the summons, he shall be liable to a fine at the discretion of the Court issuing the summons, not exceeding twenty dollars; to be applied by the Court towards defraying the expenses of convoking and holding such family meeting; which fines shall be collected in the same manner as are collected the fines imposed on witnesses failing to attend after having been regularly summoned.

Relations not at-
tending. judge shall
appoint.
1834.
113, 2.

3. If any relation, or relations of a minor heir, or heirs, after having been legally summoned to compose a family meeting, convoked to deliberate and advise concerning the interests of such minor heir, or heirs, shall neglect to attend according to the summons, the Judge of the Court ordering the family meeting to be convoked, shall have power to appoint friends to compose such family meeting, as in default of relations.

Notice delivered
by notary to be
sufficient.
1834.
113, 3.

4. The notices delivered by the notary in whose office the family meeting is to be held, to the members who are to compose said meeting, shall be, and the same are hereby considered as having the same effect, legally, as the summons served by Sheriff.

If no one will act
as tutor, judge to
nominate tutor and
undertutor.
1834.
113, 4.

5. Whenever it shall occur that no one will take upon himself the tutorship of a minor, or minors, and comply with the existing laws, by giving the required security for the tutorship of minors, it shall be the duty of the Recorder to summon a family meeting and with its advice to nominate one discreet and responsible person in the parish to be tutor, and another to be undertutor, who shall in all respects comply with the existing laws in relation to tutors, except that of giving security for his administration.

F E E S .

F E E S OF CLERKS.

Fees of clerks of
Courts.

1. The several clerks of Courts throughout this State shall be entitled to demand and receive the following fees of office and no more, to wit:

For endorsing, registering and filing petitions, ten cents each.

For endorsing, registering and filing answers, ten cents each.

For copying all instruments of writing not otherwise provided for, each one hundred words, ten cents.

For issuing citation, with seal and certificate, fifty cents each.

For copy of citation, with seal and certificate, forty cents each.

For issuing attachment and seal, seventy five cents.

For copy of attachment and seal, forty cents.

For issuing fieri facias, with seal, one dollar.

For issuing order of seizure, with seal, one dollar.

For issuing order of sequestration, with seal, one dollar.

For issuing writ of certiorari, with seal, seventy five cents.

For issuing injunction, with seal, seventy five cents.

For issuing writ of habeas corpus, with seal, and the procee-

dings thereon, no charge shall be made by the clerk or sheriff, except in civil cases by the party cast.

For issuing writ of mandamus, with seal, seventy five cents.

For issuing writ of distringas, with seal, seventy five cents.

For issuing subpœna duces tecum, with seal, seventy five cents.

For issuing subpœnas for witnesses, with seal and certificate, fifteen cents,

For copy of subpœna, with seal and certificate, fifteen cents,

For issuing each writ of possession, with seal, fifty cents,

For each order of partition, with seal, fifty cents.

For issuing notice of judgment, with seal, twenty five cents.

For every continuance, ten cents.

For issuing citation of appeal, with seal and certificate, fifty cents.

For copy of citation of appeal, with seal and certificate, forty cents.

For issuing attachment to bring person into court, with seal, forty cents.

For issuing venire facias in each case in the district court, to be charged but once in each case, thirty-five cents.

For swearing jury, twenty-five cents.

For swearing each witness, five cents.

For entering final judgment, and no matter how many parties, to be charged but once in each case, seventy-five cents.

For every interlocutory judgment, no matter how many parties, thirty cents.

For each order of court entered on the minutes of the court, not otherwise provided for, fifteen cents.

For copies of the same, with seal and certificate, twenty-five cents.

For filing and registering returns on all writs, ten cents.

For setting cause for trial and calling the same, ten cents.

For affixing certificate and seal of court to all other records or documents, other than those herein specified, thirty cents.

For notice to creditors of insolvents, to attend meetings, each ten cents.

For taking and filing bond in all cases, when required by law, fifty cents.

For recording and registering deeds of conveyance for property sold and transferred by sheriff, for each one hundred words, ten cents.

For entering satisfaction of judgment, ten cents.

For issuing commissions to take testimony of witnesses, or answers to interrogatories, with seal, one dollar.

For recording the petition, answer and judgment in each case, for every one hundred words, ten cents.

For confession of judgment when no papers are issued by the clerk, for all his services in such cases, seventy-five cents; and no more shall be allowed: Provided, in addition, that in all cases he shall be allowed ten cents per one hundred words, for recording the petition and other papers.

For the safe keeping of sums of money deposited with them in their official capacity, and for their responsibility, one per cent.

on the sum so deposited at the time of their paying over the sum.

Copy of fee bill
to be posted up.
1845
54. 13

2. The several clerks and sheriffs of this State, are required to keep constantly posted up in their offices, copies of this fee bill, in French and English, certified by the district judge of the district, and on failure of complying with this section, they shall be subject to a fine of fifty dollars per month, for the benefit of the parish, to be recovered by the police jury, before any court of competent jurisdiction.

Fees for recording
wills, &c.

3. The clerks of courts or other officers, whenever they shall proceed to the probate or recording of wills, appointment of administrators, tutors, curators, or testamentary executors, as also to the making of inventories, or sales of property belonging to an estate, shall be and are hereby authorized to charge and receive the following fees, and no more, to wit :

For each confirmation of appointment of a tutor, curator, administrator or testamentary executor, one dollar and fifty cents.

For copy of the same, with certificate and seal, fifty cents.

For affixing seals on the estate of the intestate, two dollars.

For taking off the same, with process verbal, one dollar.

For each writ or decree, ordering or assessing estimate, fifty cents.

For every process verbal of sale of lands, one dollar and fifty cents.

For affixing seals on any act, when required by law, twenty-five cents.

1845
55. 6

For every hour necessarily employed taking an inventory, fifty cents.

For probate of a will, including the process verbal, fifty cents.

For recording all acts, for each one hundred words, ten cents.

For examining and swearing each witness, twenty cents.

For every order, twenty-five cents.

For each audience, including family meeting, one dollar.

For appointment of appraisers, seventy-five cents.

For taking bond, in all cases, one dollar.

For copy of all acts, for each one hundred words, ten cents.

For all sales of real and personal estate, one per cent. on all sums not exceeding two thousand dollars: and one half of one per cent. on all sums exceeding two thousand dollars.

Fees in criminal
matters.
1848
49. 1

4. Each and every clerk of the several district courts in this State, fifty dollars per annum, as a compensation for their services in matters of a criminal nature, pending in the respective courts of the parishes in which they may act, and the same shall be paid them semi-annually, on the warrant of the auditor of public accounts, from moneys in the treasury not otherwise appropriated.

Fees of clerks of
district courts of
New Orleans.
1846
60. 4

5. The clerks of district courts of New Orleans shall perform all the duties which the clerks of the several courts, now established in New Orleans, are required by law to perform, and shall receive for their compensation, the same fees and emoluments as are now allowed, by law, to clerks of the district court for the First Judicial District, except in matters of succession and in criminal cases, and in matters of succession they shall be entitled to the same fees as are allowed to the register of wills in New Orleans, and in criminal cases to the same fees as are allowed to the clerk of

the criminal courts of the first district, and the salary now allowed by law to the clerk of the criminal court of the first district, shall be given to the clerk of the first district court of New Orleans.

6. The salary of the clerk of the Criminal Court is fifteen hundred dollars per annum.

Salary of the
clerk of the criminal
court.
1843:
67; 9

FEES OF CLERKS OF SUPREME COURT.

7. NOTE.—The Judges of the Supreme Court being called upon by the clerk in the Eastern District to direct him as to the manner he shall charge fees for his services, since the passage of the Act of March 10, 1845, revising and reducing the fees of clerks, sheriffs, &c., are of opinion that the act of the legislature of the 26th March, 1813, section 9, Bullard and Curry's Digest, page 178, allows, until further provisions shall be made, to the clerks of the Supreme Court, a daily allowance of three dollars, for their attendance, each day the court shall be in session, ten dollars for each certificate of the admission of Attorneys and Counsellors at law, and for their other services, double the fees which are or may be allowed to the clerks of the District Courts. The daily allowance was only to continue for one year. On the 7th March, 1814, see Bullard and Curry's Digest, page 440, section 12, No. 31, a partial provision was made and the clerks were authorized to charge and receive the following fees:

For entering a cause on the docket, one dollar.

For entering appearance of parties, one dollar.

For recording motion in court, one dollar.

For filing and registering record from inferior court, two dollars.

The daily allowance was also continued to be paid out of the State Treasury, but it has since been repealed. It is very clear that the provision made by the legislature does not include or extend to all the services the clerks are bound to render, therefore the law of March 26th, 1813, above cited, has always been held and considered in force, and the clerk of the Supreme Court entitled to charge double the fees of the clerks of the District Courts for services, not enumerated in the act of March 7th, 1814. The Judges of the court are of opinion that the act of the legislature approved March 10th, 1845, entitled "An Act to revise and reduce the fee bills of clerks, sheriffs, &c., does not apply to or in any manner reduce the fees allowed to the clerks of the Supreme Court by the law of March 7th, 1814, for enumerated services, but for the services not enumerated, they are to be governed by the act of March 26th, 1813, and must charge for similar services double the fees allowed to the clerks of the District Courts by the act of March 10th, 1845. The clerks of the Supreme Court will therefore on and after this date charge and receive the following fees:

For every certificate of admission of any Attorney or Counsellor at law, ten dollars.

For filing and registering record from inferior court, two dollars.

For entering cause on docket, one dollar.

For recording motion in court, one dollar.

For entering appearance of parties, one dollar.

1814.
110; 12

For copying all instruments of writing, each hundred words, twenty cents.

For issuing citation, with seal and certificate, one dollar.

For copy of citation, with seal and certificate, eighty cents.

For issuing writ of citation, with seal, one dollar and fifty cents.

For issuing writ of prohibition and seal, one dollar and fifty cents.

For issuing writ of mandamus and seal, one dollar and fifty cents.

For issuing writ of distringas and seal, one dollar and fifty cents.

For issuing writ of subpoena duces tecum and seal, one dollar and fifty cents.

For issuing notice of judgment and seal, fifty cents.

For every continuance, twenty cents.

For issuing attachment to bring persons into court, eighty cents.

For entering final judgment, one dollar and fifty cents.

For entering every interlocutory judgment, sixty cents.

For each order of court entered on the minutes, not otherwise provided for, thirty cents.

For copy of same, with seal and certificate, fifty cents.

For filing and registering returns on all writs, twenty cents.

For affixing certificate and seal of court to all records or documents, other than those specified, sixty cents.

For taking and filing bond, in all cases required by law, one dollar.

For recording the judgment of the court, for each hundred words, twenty cents.

For setting cause, and calling the same for trial, twenty cents.

For every other service rendered by the clerks, a reasonable compensation to be made by the party and determined by the court, according to the nature and equity of the case, having regard to the fees herein allowed. New Orleans, 1st April, 1845.

(Signed)

F. X. MARTIN,
H. A. BULLARD,
A. MORPHY,
ED. SIMON.

Bullard & Curry's Digest.

Page 178, Sec. 11.

The following clause of section 9, and the section 11, act of 1813, page 200, are the portions of the fee bill of that year declared by the Judges of the Supreme Court to be in force in favor of the Clerks of the Supreme Court, viz: "Ten dollars for any certificate of the admission of attorneys and counsellors at law, and for his other services double the fees which are or may be established and allowed to the Clerks of the District Courts." 1813. 200, 9.

"For every other service rendered by the Clerk of the Supreme Court, a reasonable compensation shall be made by the party and determined by the court, according to the nature and equity of the case, having regard to the fees herein allowed." 1813, 200, 11.

8. The Clerks of the Supreme Court shall be entitled to demand and receive for their services in criminal cases, the following fees and no more, to wit :

Fees of Clerk of
Supreme Court in
criminal cases.
26th May, 1846
102; 6

For entering cause and filing record, one dollar.

For entering appearance, one dollar.

For recording motions in court, one dollar.

For copy of judgments to be recorded in lower court, fifteen cents for every one hundred words : Provided that the costs of the Clerk of the Supreme Court shall in no criminal case, exceed the sum of ten dollars.

CLERKS.

General provisions as to Fees.

9. No person shall be bound to pay any costs or fees until the officer claiming the same shall deliver to the person or persons against whom the fees may be charged, an explicit fee bill, signed with the officer's name.

Fee bill to be de-
livered.
March 28, 1813
190; 12

10. The several clerks in this State shall be authorized to put their fee-bills into the hands of any sheriff or constable, for collection, and it shall be the duty of any sheriff or constable to receive and account for the same as hereafter provided.

Collection of fee
bills.
March 7, 1814
108; 4

Whenever any sheriff or clerk shall have any fees due to him in any other parish than that in which he may reside, it shall be lawful to put the said fees into the hands of the sheriff or constable of the parish where the person may be, who shall owe such fees, and it shall be the duty of said sheriff or constable to receive said fees, and account for the same, as hereafter provided.

Duty of Sheriff
and Constable in
collecting fees for
clerks.
March 7, 1814.
110; 9

11. Six months after a suit shall have been instituted in any of the courts of this State, the clerks thereof shall have the right to demand from the plaintiff the amount of his costs, including the sheriff's costs, and every succeeding six months, and on refusal or neglect of the plaintiff to pay such bill of costs, detailed by separate items and sworn to by the clerk, and approved by the Judge, execution shall issue against said plaintiff, as in case of fi. fa. upon judgment, after ten days' notification by the sheriff of the court, when the costs are due ; Provided, that whenever the plaintiff does not reside in the parish in which the suit is instituted, the clerk and sheriff shall have the same remedy against the surety for the costs, and such surety shall not be entitled to the benefit of discussion.

When costs and
fees shall be de-
mandable.
1842
442. 12

12. Whenever the plaintiff in a cause shall be unknown to the clerk, or shall not offer, in the opinion of the clerk, sufficient guarantee for the payment of the costs, the clerk shall have the right to require security, to cover the probable amount of costs, inclusive of the sheriff's fees.

Clerks may re-
quire security.
March 20, 1839
198. 1

FEES OF SHERIFFS

13. The several Sheriffs throughout the State shall be entitled to demand and receive the following fees of office and no more, to wit :

Fees of Sheriff.
1845. 53. 2

For serving citation, or order to hold to bail, order of seizure or sequestration, and return thereof, two dollars.

For serving citation on each defendant and return, one dollar.

For serving subpcena, or summons on each witness, forty cents.

For serving attachment and return, one dollar and fifty cents.

For keeping personal property and slaves on attachment under seizure or otherwise, legally, in the hands of the sheriff, at the discretion of the court, provided that the charge for keeping each slave shall not exceed twenty-five cents per day when in actual custody.

For taking bond in all cases when, by law, the sheriff is to take bond, and assigning the same, fifty cents.

For making an actual levy, under a Fieri Facias, and return of money made, without sale, one dollar and fifty cents.

For return of Fieri Facias, no property found, one dollar.

For levying Fieri Facias, or order of seizure, and making sale, for the first five hundred dollars, two per cent.; for each one hundred dollars over the first five hundred dollars, to one thousand dollars, one per cent; for all sums over the first thousand dollars, one-half of one per cent; Provided, that no per centage shall be allowed to the sheriff on any monies made on such executions or orders of seizure, over and above the amount for which the same issued.

For each conveyance of land or slaves sold under execution, whether including one or more adjudications, one dollar.

For serving writ of distringas and return, one dollar and twenty-five cents.

For serving summons for contempt, and bringing party into court, one dollar.

For empanelling and calling petit jury, one dollar.

For serving venire for grand or petit jury, to be charged in each case, one dollar.

Confessions of Judgment are exempt from this charge.

For serving writ of Habeas Corpus and return, one dollar.

For notifying the creditors of insolvent debtors to attend meetings, for each, twenty-five cents.

For attendance in Supreme Court, per day, two dollars.

For removing prisoner from one parish to another, at the discretion of the court.

For keeping and maintaining prisoner in jail, per day, twenty-five cents.

For keeping and maintaining negro in jail, per day, twenty-five cents.

For committing prisoners to jail, in civil cases, one dollar.

For whipping any person sentenced to that punishment, to be paid by the parish, one dollar.

For executing any person condemned to capital punishment, to be paid by the parish, twenty-five dollars.

For serving any order of court, not otherwise provided for, fifty cents.

For advertising any sale made by the sheriff, when done in writing, for each offering, ten cents for every hundred words.

14. The several sheriffs and constables throughout the State shall be entitled to demand and receive five cents for every mile, they may actually and necessarily travel in going and returning from the service of any process; and when said sheriffs or constables shall necessarily be obliged to travel by water, except in

steamboats, the charge shall be double; but this item shall not be so construed as to allow mileage only to and from where the process was actually served, to the seat of court, from whence such process may have been issued; and in no case shall mileage be allowed for a greater distance than the place or residence of the person on whom the process served.

15. If the sheriff of the parish, in which a lunatic or insane person resides, conveys, under a warrant issued to him by the district judge, said lunatic or insane person to the Insane Asylum, the said sheriff shall have the right to demand the same fees as are now allowed by law, for the conveyance of convicts to the penitentiary of the State, which shall be paid out of the parish Treasury, upon the order of the district judge, and likewise all other expenses incurred in bringing said insane person before said district judge.

Fees for conveyance of Lunatics to Insane Asylum.
1847. 58. 11

16. Each of the corporations of the city of Lafayette and Carrollton, shall be bound to pay to the sheriff of the parish of Jefferson his fees and expenses, for the keeping and maintaining of such prisoners as may be arrested on warrants issued in their respective limits.

Sheriff of parish of Jefferson, how paid for maintenance of prisoners.
1846.
102; 5

17. Each and every sheriff in this State shall be, and is hereby entitled to one hundred dollars per annum, as a compensation for his services in matters of a criminal nature, pending in the courts of the parishes in which he may act, and the sum shall be paid to him semi-annually, on the warrant of the auditor of public accounts.

Compensation to sheriffs for services in criminal matters.
1848
49; 1

18. The several sheriffs, throughout the State, shall hereafter retain ten per centum on the amount of money made on any executions, bonds, obligations and recognizances due to the State in criminal cases which may come into their hands, in lieu of all other fees thereon: and the several district attorneys shall receive ten per centum on the amount of money so collected on any such judgment rendered in their respective districts and the Attorney General five per cent upon all amounts collected by him: Provided the per centage so received shall never exceed two hundred dollars in any single case or suit.

Percentage on monies due to the State in criminal matters to be returned by sheriff.
1837.
99; 4

1850. 260. 4.

19. The sheriff or auctioneer shall be entitled to receive as commission, upon sales made by him, of all succession property, one per cent. upon all sums under twenty five hundred dollars, and the half of one per cent. upon all sums over and above that amount.

Commission of sheriff on sales.
1847.
62; 2

20. Any sheriff or constable, who may have received any fees for collection, shall be bound to account for, and pay over the amount of such fees to the person to whom they are due, within ten days after the receipt of such fees, and the said sheriff or constable, shall receive a compensation of five per cent. for such collection.

Sheriff to account for fees collected by him for others.
1814.
110; 7

21. When any sheriff or constable shall fail to pay over the amount of any fees, it shall be lawful for any person claiming the amount of any such fees, on giving ten days' notice to said sheriff or constable, on motion, before any proper District Judge, to recover judgment for such amount as may appear to be due, with

Penalty for not paying over such fees collected,
1814.
110; 8

costs, and such damages as in the opinion of the judge may be sustained by the complainant.

Sheriffs of one parish to collect fees for sheriff of another parish.

1814.

110; 9

22. Whenever any sheriffs shall have any fees due to them in any other parish than that in which they shall reside, it shall be lawful to put the said fees into the hands of the sheriff or constable of the parish where the person may be who shall owe such fees, and it shall be the duty of said sheriff or constable to receive and account for the same.

of Sheriff of parish Orleans may require security for his fees.

1844.

212; 2

23. The sheriff of the parish of Orleans is empowered to require security for his fees of office, which fees shall be demandable from the plaintiff, sixty days after the opening of the suit, on a detailed certificate, approved by the judge or clerk of the respective courts.

FEES OF NOTARY PUBLIC AND RECORDER OF MORTGAGES IN PARISH OF NATCHITOCHES.

24. Every notary public, and the recorder of mortgages in and for the parish of Natchitoches, shall be entitled to demand and receive the following fees of office, and no more, to wit:

For writing original acts of every kind, including recording the same, for every hundred words, twenty cents.

For every necessary seal and certificate to every notarial act, twenty-five cents.

For making copies of all official documents, ten cents for every hundred words.

For seal and certificate to every copy, fifty cents.

For recording an act under private signature, ten cents for every hundred words,

For certificate of record and seal to an act under private signature, twenty-five cents.

For recording acts under private signature which have been proved up otherwise than before the notary, ten cents for every hundred words.

For certificate of mortgage, with seal, one dollar, and ten cents for every hundred words, after the first five hundred.

For cancelling a mortgage, twenty-five cents.

For taking bond, issuing marriage license, and recording the license and certificate of marriage, two dollars.

1848.

148.

For recording a deed of mortgage in the recorder of mortgages' office, for every hundred words, ten cents.

FEES OF RECORDERS AND NOTARIES PUBLIC.

Fees of Notaries public, recorders of mortgages and parish recorders.

1845.

54; 4

25. Every notary public and recorder of mortgages and recorder in this State, shall be entitled to demand and receive the following fees of office and no more, to wit:

For writing original acts of any kind, including recording the same, for every hundred words, twenty-five cents.

For every necessary seal and certificate to every notarial act, seventy-five cents.

For making copies of all official documents, ten cents for every hundred words.

For seal and certificate to any copy, fifty cents.

For proving up an act under private signature, fifty cents.

For recording an act under private signature, ten cents for every hundred words.

For certificate of record and seal to an act under private signature, fifty cents.

For recording acts under private signature, which have been proved up otherwise than before the recorder or notary, ten cents for every hundred words.

For certificate of mortgage, with seal, one dollar, and ten cents for every hundred words after the first four hundred.

For cancelling a mortgage, one dollar.

For taking bond, issuing marriage license, and recording the license and certificate of marriage, two dollars.

The parties to a notarial act may by written clause in the act, dispense with the certificate of mortgages required by article three thousand three hundred and twenty eight of the Civil Code of Louisiana, and the notary or recorder shall not in such case, be entitled to charge for such certificate so dispensed with as aforesaid.

For recording a deed of mortgage in the recorder of mortgages' office, for each one hundred words, twenty-five cents.

FEES OF JUSTICES OF THE PEACE FOR THE PARISH OF ORLEANS.

26. Each of the justices of the peace of the parish of Orleans, with the exception of the justice who shall be located in that part of the parish of Orleans, situated on the right bank of the Mississippi river, shall receive an annual compensation of two thousand dollars, payable quarterly out of the State treasury: Provided, however, that should the revenue accruing and paid into the State treasury, from the tax to be imposed by law, on suits brought in any justices' court not amount to two thousand dollars, then the justice of said court shall receive only such sum as shall accrue to the State treasury from said tax imposed on suits brought into the court over which he presides. They shall also be entitled to the following perquisites, viz: For every marriage license issued by them, they shall be entitled to charge one dollar; for every marriage celebrated by any of them, they shall be entitled to charge two dollars; for every affidavit taken before them, not connected with suit brought before them, they shall be entitled to charge twenty-five cents.

27. The sixth justice of the peace for the parish of Orleans shall not receive any salary for his services, but shall receive all other emoluments and perquisites of a like nature, with those which are bestowed upon the justices of the peace of the parish of Orleans.

28. Each of the said justices of the peace shall be entitled to retain out of the amount received by him for fees, such further sums, over and above the sum of two thousand dollars, already mentioned, as may be necessary to pay for the hire of one clerk, the rent of his office, and his office expenses, for blanks, stationary, fuel and other necessary expenses; Provided, however, that he furnish to the State Treasurer, quarterly, a detailed account of his expenditures, sworn to by himself.

29. The justices of the peace in the parish of Orleans, or their clerks, shall be entitled to demand and receive two dollars for each record of appeal, which sum shall be paid by the appellant on receiving the record.

1846
79. 7

Fees of sixth justice of the peace for the parish of Orleans.
1846
82. 22

Expenses of Justice's court, how paid.
1846
83. 31

Fees for record of appeal.
1848
142. 4

Fees for taking
testimony. 4
1848
148. 5

Who shall pay
costs. 1847
196. 1

1846
85. 9

Salary of justices
in the city of La
fayette.

Fees in criminal
matters and ap-
peals.

1847
162. 1

30. The said justices shall be entitled to demand and receive ten cents for every hundred words of testimony taken under any commission issued in a case pending in any court of this State.

31. Whenever a complaint shall be made before a justice of the peace, the object of which will be to have the person or persons complained of bound to keep the peace, the costs incurred in such cases shall be paid by the person or persons so bound; Provided, that when it shall appear to said magistrate that said complaint is founded on frivolous or malicious motives, the costs shall be paid by the complaining party, any law to the contrary notwithstanding.

FEES OF JUSTICES OF THE PEACE FOR THE PARISH OF JEFFERSON.

32. Justices of the peace for the parish Jefferson are authorized in all suits instituted before them, to demand and receive as their fees, the following costs to be paid at the time of instituting suit, to wit:

In every case from one to twenty dollars, they shall receive one dollar; in every case from twenty to forty dollars, two dollars; in every case from forty to sixty dollars, three dollars; in every case from sixty to eighty dollars, four dollars; in every case from eighty to one hundred dollars, five dollars; in every case when the sum is not specified, two dollars; for taking down testimony to be used in the appellate court, one dollar; and said Justices may also charge and receive for every affidavit made before them, which is not required or is not to be used in suits pending before such Justices, twenty-five cents, and for executing commissions issued from other courts, twenty-five cents for each hundred words contained in the deposition.

33. Each of the two Justices of the peace in and for the district composed of the city of Lafayette in the parish of Jefferson, shall be entitled to receive annually a salary of one hundred and fifty dollars, as examining and committing magistrates for said city, to be paid quarterly, by the city of Lafayette, on the warrant of such Justice; Provided, that nothing in this act contained shall be so construed as to prevent said Justices from demanding and receiving costs in criminal matters, from any party remanded for trial and found guilty before the district court, and in cases of breach of the peace, not subject to criminal prosecution, from the party who shall be condemned to give security to keep the peace; and provided further, that in all cases of appeal in civil cases, before said Justices, the appellant shall pay in advance two dollars, for the costs of making the transcript of the record, in default of which payment, said appeal shall not be allowed.

FEES OF JUSTICES OF THE PEACE, EXCEPT IN NEW ORLEANS AND JEFFERSON.

34. For every order by them issued in a civil suit, on the demand of the party, fifty cents.

For rendering a judgment by default, fifty cents.

For rendering a final judgment, one dollar.

For administration of an oath, where the deposition or affidavit is written, and signing the same, twenty-five cents.

For administering oath, and writing the same, for every twenty words, twelve and a half cents.

For filing petition, answer, answer to interrogatories, each twenty-five cents.

For preparing citation or process to compel appearance, fifty cents.

For filing the same when returned, and entering return, twelve and a half cents.

For copies of all papers, of which copies are demanded, for every hundred words, twenty-five cents.

For each separate summons for witnesses, twelve and a half cents.

For every necessary certificate, twenty-five cents.

For swearing each witness, twelve and a half cents.

For entering judgment in each case, fifty cents.

For issuing attachment, seventy-five cents.

For receiving and entering return on attachment, twelve and a half cents.

For entering satisfaction on judgment, twenty-five cents.

For issuing fieri facias, one dollar and seventy-five cents.

For filing fieri facias, when returned and recording the return, twenty-five cents.

For issuing a warrant in a criminal prosecution, one dollar.

For each summons for witnesses, twelve and a half cents.

For taking their depositions, and writing the same, if necessary, each twenty-five cents.

For examination of the party, and writing the same, one dollar.

For a recognizance of the party or of the witnesses in the cases directed by law, twenty-five cents.

1816
23. 7

FEES OF JUSTICES.

In lieu of the compensation allowed by law to the Justices of the peace, it shall be lawful for the said justices to demand and receive the sum of three dollars, in full compensation for all their services in each civil case brought before them, when the same shall have been prosecuted until an execution or a capias is issued, and the sum of two dollars, in and for each civil case whereupon judgment only has issued, and if such judgment be had on the confession of the party, the sum of one dollar and no more.

1817
146. 5

FEES OF CONSTABLES.

35. The several constables throughout the State shall be entitled to demand and receive the following fees, and no others, to wit:

For serving a State warrant to be paid by the parish, fifty cents.

For serving a summons and warrant for debt, fifty cents.

Summoning each witness, fifty cents.

Serving an execution for debt, fifty cents.

Selling property taken under execution, for each dollar, five cents.

For conveying a prisoner to jail, one dollar.

Serving peace or search warrant, one dollar.

Serving attachment, fifty cents.

1807.
58. 10

1847.
128. 2

The city of Lafayette shall in no manner be responsible for the payment of any Constables' fees or charges in criminal matters.

CONSTABLES OF JUSTICES IN PARISH OF ORLEANS.

36. The constables of the several justices of the peace, in and for the parish of Orleans, shall be entitled to demand and receive the following fees of office and no more, to wit :

For serving citation in English, or in French and English, fifty cents.

For serving notice of trial, fifty cents.

For serving subpœna, fifty cents ; and attachment for witness, fifty cents.

For serving a rule or motion, fifty cents.

For serving notice of judgment, fifty cents.

For return of fieri facias, no property found, fifty cents.

For return of fieri facias, satisfied, one dollar.

For levying fieri facias and making sales, five per cent : Provided that no per centage shall be allowed to said constables, on any monies made on execution over and above the amount for which they may have a writ or writs in their hands.

For serving provisional seizure, one dollar.

For serving attachment, bail writ, sequestration and injunction, each one dollar ; for taking bond in any case, fifty cents.

The constable may be allowed whatever expenses he may necessarily incur in keeping property while under seizure, provided the same does not exceed one dollar a day.

For serving notice of appeal, fifty cents.

For all other process, not hereinbefore provided for, fifty cents.

1848.
168. 1

When Constables may demand their fees.

1848.
168. 3

37. Three months after the date of the institution of any suit before the justices of the peace in the parish of Orleans, the constables may demand their fees from the plaintiff, or from either party by whom they may be due, and upon failure to pay, the justice may, after proof has been adduced of the correctness of the account, contradictorily with the party against whom the motion is made, issue a fi. fa. in favor of said constable : Provided, that nothing herein contained shall be so construed as to prevent any constable from collecting his fees from the defendant, at any time after judgment against such defendant.

CORONERS AND PHYSICIANS' FEES ON INQUESTS.

1844.
6. 12

38. For every inquest the coroner of the parish of Orleans and of the parish of Jefferson shall receive twenty dollars, inclusive of all burial fees ; and when no inquest is actually held, said coroner shall receive five dollars, and no more, for the services required other than for the burial, in which case he shall be allowed five dollars.

1843.
4. 7

Every physician who shall attend an inquest in his professional capacity upon a summons from the coroner, shall be entitled to receive a compensation of ten dollars for any such attendance, to be paid by the Treasurer of the parish, on an order drawn by the coroner and the coroner's jury.

FEES OF SURVEYOR GENERAL AND PARISH SURVEYOR.

39. The surveyor general and the parish surveyor in this State shall be entitled to demand and receive for their respective services, the following fees, to wit :

For mileage in repairing to and returning from any place where a survey is to be made, per mile, twelve and a half cents.

For measuring the front of any tract of land on any bayou or river, for every arpent, running measure, twenty five cents.

For measuring depth lines, when the line touches cypress swamps, and for measuring back lines, for every arpent, twenty five cents.

For running a straight line, for every mile, four dollars.

For meandering a water course, for every arpent, twenty five cents.

For every plat of a tract of land, including the record, five dollars.

For every certified copy of such plat, two dollars and fifty cents.

For planting every corner post, one dollar.

For any additional tract of land comprehended in a plat, with surveys and boundaries established, five dollars.

For measuring every lot in a town, suburb, or other place divided into lots, for every foot, one dollar.

For every original plat of any such lot, including the record, three dollars.

For every certified copy of such plat, and of the certificate of survey, two dollars and fifty cents.

For every additional tract of land in a connected plat, two dollars.

40. In case the said surveyor general, or parish surveyors, or either of them shall demand or receive, for any of the services mentioned in the provisions aforesaid, any other fees than those above fixed and established, or if they or either of them should demand or receive any of the said fees without having performed the services for which they shall have demanded or received them, and if the said surveyor general or parish surveyors, or either of them, should demand or receive any other or higher fees than those allowed to them as aforesaid, which shall be proved by the receipt of such surveyor, and under his oath upon the Bible, the said surveyor, shall, for every such offence, be fined in a sum of fifty dollars in favor of the party aggrieved, besides the restoration of the fees so unjustly demanded and received, to be recovered with costs, before any court of competent jurisdiction.

41. Chain carriers and markers shall be allowed one dollar per day, for their services as such, to be paid in the same manner as is provided for surveyors.

42. The fees chargeable by the said surveyors shall be paid by the party desiring the services to be performed, and where the services shall be rendered in obedience to an order of a court, in a suit therein depending, the surveyor shall make out and state an account of his fees for such services, written in words at full length on the back of one of the plats by him returned to the court: and the same shall be allowed in the bill of costs to be taxed against the losing party, as other costs: but when it shall appear that the survey of any part thereof was made at the instance of the party cast in the suit, such and so much of the

1818.

162, 11.

Penalty for demanding extra fees.

1818.

162, 12.

Fees of markers and chain carriers.

1818.

160, 7.

Surveyor fees by whom paid.

1818.

161, 5.

said fees as accrue on the work done by the surveyor for such party shall not be taxed.

How parish boundary lines shall be fixed and marked.
1835.
144, 1.

43. Whenever the police jury of any parish shall pass an ordinance for ascertaining and fixing the boundary lines of any parish adjoining thereto, and shall appoint a time and place for commencing the running thereof, and shall duly serve the parish judge, parish surveyor, or any other surveyor appointed for that purpose by the police jury of said parish, and president of the police jury of the said adjoining parish, with a copy of the said ordinance, with notice of the time and place for commencing the running thereof, six months previous to the time so fixed : then the parish surveyors of the said parishes shall proceed to the running and marking of said boundary line, or fixing on any water course as a boundary line : and in case the parish surveyor of either parish shall fail to attend at the time and place appointed, then the other parish surveyor, after waiting two entire days, shall proceed to the running and marking of the said adjoining boundary line, or determining on any water course in part or in whole of said boundary line.

1835.
144, 2.

Whenever a boundary line shall have been run and marked, as above prescribed, due returns thereof shall be made to the parish judges, of both the said parishes, who shall carefully file and preserve the same.

Surveyors fee for marking boundary lines of parishes.
1835.
144, 3.

44. Each of the said surveyors shall receive as full compensation for the running and marking of said lines, five dollars per day, and shall be paid for all reasonable expenses, by the treasurer of the parish interested, on the warrant of the parish judge of his parish.

Salary of surveyor general.
1835.
144 4.

45. The surveyor general shall have and receive for his services a salary of eight hundred dollars per annum, to be paid quarterly, on his warrant, out of any unappropriated funds in the State treasury.

FEES TO PERSONS ARRESTING RUNAWAY SLAVES.

1848.
168, 1.

46. Every person taking up a runaway slave shall immediately convey the same before the nearest justice of the peace, who shall either commit said slave to the parish prison, or send him to the owner, employer or overseer, if known, who shall pay the person taking up the slave the rates hereafter specified, to wit : For taking up slave in the woods, six dollars ; for taking up on the road or plantation, three dollars ; for mileage, in all cases, going and returning, ten cents per mile ; for magistrates committing, one dollar ; for jailor, receiving and placing in confinement, one dollar ; for feeding slave while confined, twenty five cents per day ; for magistrate, for receiving proof of ownership, one dollar ; for delivery to owner by jailor, fifty cents.

FEES OF INSPECTORS OF WEIGHTS AND MEASURES.

47. The sealers of weights and measures shall be entitled to and receive fees, as follows :

For each yearly visit and inspection of a full set of steel yards, or of scales with their weights, or of a bushel measure and its parts, or of a gallon measure and its parts, or of a set of yard sticks, they shall receive twenty five cents and no more : for sealing each weight and measure, five cents : for the examina-

tion of each platform scale, cotton and tobacco scale, and its apparatus, fifty cents, and for sealing the same, fifty cents.

FEES OF TOBACCO INSPECTORS FOR THE CITY OF NEW ORLEANS
AND LAFAYETTE.

48. The fees for receiving, weighing, inspecting, storing for two months, coopering and all other duties imposed by law upon the inspectors shall not exceed two dollars and fifty cents per hogshead, one half of which shall be paid by the purchaser to the seller.

1846
129. 20

For re-inspecting, re-weighing and coopering, the charge shall be seventy-five cents for each hogshead. On tobacco remaining in store more than two months from date of receipt, they shall charge extra storage at the rate of twenty-five cents per month. On tobacco stored, on which there is no inspection, fifty cents per month. The owner or agent storing the tobacco shall be bound for the fees and there shall be privilege on the tobacco for them.

FEES OF INSPECTOR OF FLOUR IN NEW ORLEANS.

49. The inspectors of flour in the city of New Orleans shall be entitled to charge five cents on each barrel of flour inspected by them in full compensation of their services.

1828
122. 1

DUTIES AND FEES OF GAUGERS.

50. The Governor shall nominate and by and with the advice and consent of the Senate, appoint such number of gaugers for the city of New Orleans, as shall from time to time be deemed necessary; and all spirits arriving in this port, and not subject to a duty of importation, shall be gauged by one of the said gaugers, whose duty it shall be to mark on each and every barrel, cask, puncheon or hogshead by him gauged, the number of the proof and the quantity of gallons therein contained; and it shall be the duty of every owner or consignee of spirits to have the same gauged when sold in the city of New Orleans; and said gaugers shall take the oath of office, and a fine of one dollar shall be imposed upon the owner or consignee, for each and every barrel, cask, puncheon or hogshead of spirits he shall sell or cause to be sold, without having caused the same to be gauged as aforesaid; which fine shall be recovered before any Justice or other competent authority, one-half for the use of the informer, and one-half for the use of the State.

1828
22. 2

It shall be the duty of the gaugers to gauge with callipers, and no gauger shall be concerned in the selling or purchase of spirits, as broker or consignee, under the penalty of fifty dollars for each and every such offence.

1829
52. 1

It shall be the duty of the said gaugers to cut, or mark with ink, in a legible manner, on each and every barrel, cask, puncheon or hogshead, by them respectively gauged, their name, their capacity of gauger, and the designation of New Orleans; and every gauger neglecting to comply with this provision shall be fined one dollar for each and every barrel, cask, puncheon or hogshead which he shall not mark as aforesaid.

1829
52. 2

The said gaugers shall be entitled to demand and receive twelve and a half cents per barrel, cask, puncheon or hogshead by them respectively gauged and marked.

1829
52. 3

FEES OF INSPECTORS OF BEEF AND PORK IN NEW ORLEANS.

1820.
106. 13. 51. For every barrel of Beef or Pork, they shall inspect, re-pack and salt, thirty-three cents and one third, besides the price of the salt, saltpetre and other extra services.

1820.
106. 12 52 No beef or pork that shall have been inspected and repacked, shall be taken from the stores and yards of the inspectors, unless all the expenses be previously paid, and no owner or seller of beef and pork shall suffer the same, after inspection, to remain more than twelve hours exposed to the sun, or to bad weather.

FEES OF WEAHERS OF HAY IN NEW ORLEANS.

1826.
181. 53. The weighers of hay for the parish and city of New Orleans, shall receive the following compensation and no other : For each and every bale of hay, weighing from one hundred to five hundred pounds, twelve and a half cents : for each and every bale of hay weighing from five hundred to one thousand pounds, twenty cents ; for each and every bale of hay weighing over one thousand pounds, forty cents.

FEES OF WEAHERS OF HAY IN THE PARISH OF JEFFERSON.

54. For every bale of hay weighing from one hundred to five hundred pounds, ten cents per bale : for every bale weighing from five hundred to eight hundred pounds, fifteen cents per bale ; for every bale exceeding eight hundred pounds, twenty-five cents per bale.

FEES OF RECORDER OF BIRTHS AND DEATHS IN NEW ORLEANS.

1821.
36. 2 55. For every record of births and deaths, the recorder shall receive twenty-five cents : for registering and copying the same with seal, fifty cents.

FEES OF HARBOR MASTER OF NEW ORLEANS.

1805.
126. 6 56. The harbor master shall have power to demand and receive from the commander, owners or consignees, or either of them, of every ship or vessel that may enter the port of New Orleans, and load, unload, or make fast to the levee, within the limits thereof, at and after the rate of three cents per ton, to be computed from the tonnage expressed in the registers of such ships or vessels respectively, and no more : Provided always, that the sums shall not extend to chalans, flat or keelboats, which are employed in the river trade, unless upon the application of the person having charge of such chalan, flat or keelboat so employed, the said harbor master shall interfere and adjust any difference respecting the situation or position of such flat or keelboat, which differences the said harbor master is authorized to hear and determine, in which case the said harbor master may demand and recover in manner aforesaid from the party in default in the premises, the sum of three dollars for every difference so adjusted and no more.

FEES OF WARDENS AND MASTER IN NEW ORLEANS.

1815.
124. 11 57. The said master and wardens or any one of them shall, if called up by the person commanding any ship or vessel arriving from sea, inspect the manner in which the hatches of such ship or vessel were secured, previous to the opening thereof, for the purpose of discharge, and shall be present at the opening of the same, and shall upon every such survey, certify under his hand, how the hatches appeared to him, for which certificate he shall

be entitled to two dollars, and for every duplicate thereof, to one dollar: and the said master and wardens, or any two of them, shall be surveyors of damaged goods, brought into the port of New Orleans, in any ship or vessel: and with the assistance of one or more skilful carpenters, shall be surveyors of any damaged vessel, and any vessel deemed unfit to proceed to sea, and they shall upon every such survey, certify under their hands how the vessels so surveyed appeared to them, and shall cause entries to be made in a book to be kept for that purpose in their office, and for each certificate and entry they shall be entitled to two dollars, and for every duplicate thereof to one dollar: and the said wardens shall severally be entitled for their services as surveyors of damaged goods or vessels, at the rate of two dollars and fifty cents per day: and further, it shall solely belong to the said master and wardens, or any two of them, to order and direct the sale of damaged goods by public auction, giving notice of such public sale at least two days before in French and English, in two newspapers published in this city, and at least two of the said wardens shall be present at such public sale, and shall certify to the truth of the account of sales of the auctioneer by whom such damaged goods shall be sold, and for such attendance and certificate shall be entitled to the sum of ten dollars.

It shall and may be lawful for the wardens who shall have inspected and ordered and attended the sale of such damaged goods at auction to demand and receive distinct fees for such property so surveyed and sold: Provided the consignee shall require distinct sets of certificates for each.

The wardens shall be entitled to demand and receive for each vessel arriving in the said port of New Orleans from sea, the sum of five dollars, whether they shall be called upon to perform the service, or not, which sum they shall be entitled to demand of the captain, owner or consignee, of every such vessel, and in case of failure or refusal to pay the same, they shall have the right to proceed for the recovery of the same against the said vessel, before any justice of the peace or other competent tribunal.

FEES OF REGISTER OF CONVEYANCES.

58. The register of conveyances for the city and parish of Orleans shall be entitled to the following compensation, and no more: For recording an act of sale, the recording of which shall not exceed three hundred words, one dollar: for every one hundred words over and above the said number, twelve and a half cents; For every certificate of recording or non-recording, delivered on a separate sheet of paper, fifty cents: for each certificate, delivered in the copy of an act recorded, fifty cents.

The register of conveyances shall be entitled to receive one dollar, for each separate certificate furnished by him to the board of assessors, to be paid to him by the parish treasurer, on the warrant of the recorder of the parish.

FEES OF THE REGISTER OF THE LAND OFFICE AND OF THE BRANCH AT WINNSBOROUGH, AND TREASURER AS RECEIVER OF PUBLIC MONIES.

59. The register of the Land office shall receive a salary of

1806.
102. 4

1821.
116. 1

1828.
94. 5

1840.
72. 4

1844
62; 2

two hundred and fifty dollars per annum, and a commission of one per cent. on all the monies expressed in the receipts by him filed and entered, provided the amount shall not in any one year exceed the sum of three thousand dollars. He shall receive for every copy either of an application or of the description of any section or half section, or of the plat of the same, or of an entry made on his books, or of any certificate heretofore given by him, twenty five cents for each, and for any general inspection of the books of surveys or general plat, made in his presence, twenty five cents.

Gordon's digest.
1184.

The register of the Land office shall receive five dollars for each day's attendance in superintending the public sales.

Ibidem.

The receiver of public monies (or Treasurer) shall receive a salary the same as the register, \$250, and a commission of one per cent. on the monies received, provided that the whole amount shall not exceed for any one year the sum of three thousand dollars.

1847.
205; 4

The register and receiver of the branch of the State Land office at Winnsborough shall receive a salary of one hundred and fifty dollars each, payable semi-annually by the State Treasurer on the warrant of the auditor of public accounts, and in addition thereto shall receive the same fees from purchasers and the same perquisites of office that are allowed to the register and receiver of the State Land office at New Orleans.

FEES TO JURORS, SPECIAL PROVISIONS.

1847.
80; 1

60. For parish of Rapides, two dollars a day for every day in attendance as jurors, and ten cents per mile going and returning from sessions of court, to be paid by the parish.

For Third District Court in criminal cases, each juror, in case jury has rendered verdict, receives one dollar.

1847.
214; 1

In civil cases one dollar to be paid by the clerk who receives it in advance from the party praying a jury.

1841.
792.

In the parish of Avoyelles, the jurors receive out of the jury fund, two dollars a day, during their attendance at court with the usual mileage going from and returning home.

1841
17; 17

Jurors serving in any of the District Courts in the city and parish of Orleans, except in criminal cases, receive one dollar for each verdict.

1840
115; 1

The jurors of the parish of East Feliciana shall receive two dollars per day for their services as jurors.

1837.
881; 2

The grand and petit jurors of the parish of St. Landry, Natchitoches and Claiborne, receive an additional compensation of fifty cents per day.

1823.
58; 1

The compensation to any person regularly drawn and summoned to serve as grand or petit juror, or summoned to serve as juror de talibus, at the several district courts of this State, is one dollar and a half, for each day he shall attend such courts, and six and a quarter cents for every mile he shall necessarily travel in going to said courts or returning home: the mileage to be allowed only for once going and returning from the court during the term.

In the District Courts of the parish of Terrebonne, Lafourch, Interior, Assumption, Lafayette and St. Martin, the grand and pe-

tit jurors and jurors de talibus are allowed one dollar each for every day they attend the courts, and six and a quarter cents for every mile necessarily travelled as aforesaid, with the same limitation.

FEES TO WITNESSES IN PROSECUTIONS PENDING IN OTHER PARISHES.

61. When witnesses are summoned to testify in prosecutions pending in other parishes than those in which they reside, they shall receive a compensation of five cents for every mile they may necessarily travel in going and returning, and two dollars for every day they may be necessarily in attendance upon the court.

1845.
89; 3

CONSTITUTIONAL PROVISIONS CONCERNING FEES.

62. No court or judge shall make any allowance by way of fee or compensation in any suit or proceedings, except for the payment of such fees to ministerial officers, as may be established by law.

No fees to be allowed other than those established by law.

63. No duties or functions shall ever be attached by law to the Supreme or District courts, or the several judges thereof, but such as are judicial: and said judges are prohibited from receiving any fees of office, or other compensation than their salaries for any civil duties performed by them.

Judges of supreme and district courts prohibited from receiving fees.

TAX ON FEES.

64. Each and every person holding an office by virtue of the Constitution, or of any law of this State, who is paid by fees, commissions or emoluments, and not by a stated salary, excepting auctioneers, coroners, surveyors, and persons having the direction of the roads or Levees, justices of the peace, parish recorders, registers of mortgages, clerks of court, sheriffs and notaries public throughout the State, shall be bound to pay yearly to the State Treasury a tax of two per cent out of said fees or emoluments received by him.

1842.
436, 5.
1845.
69, 1.
1806,
122, 3.

FEES OF WITNESSES.

65. Witnesses in criminal prosecutions shall be paid for each day they shall be detained on the trial of a cause, the sum of one dollar over and above their mileage, for which they shall receive six and a quarter cents for every mile they shall necessarily ride, going and coming.

1807.
66, 8.
1809.
64, 11.

66. In civil causes, witnesses shall receive one dollar for every twenty miles they shall have to travel in going and returning from the court where they shall be summoned, and each day he shall be detained on the trial of any cause, the sum of one dollar, provided however that every witness over two summoned to prove any one fact shall be paid by the person at whose instance they may have been summoned.

Mileage of witnesses.
1813.
88, 11.

67. In any suit or proceedings when a fee or compensation not established by law be involved, it shall be allowed to either party to pray for a trial by jury, whether said fee or compensation be claimed from an insolvent estate or a succession, whether by way of opposition or otherwise.

Trial by jury in all cases involving fees or compensations.
1850.
260.

FEES OF PILOTS OF THE PORT OF NEW ORLEANS.

68. The pilots of the port of Orleans shall be entitled to ask and receive pilotage at the rate of two dollars and fifty cents for

1818. 37 2

1805. 19.]

every foot drawn by any ship or vessel piloted by him, drawing less than ten feet water, and three dollars and a half for every ship or vessel piloted by him, drawing twelve feet water and upwards; and vessels of one hundred and fifty tons and under, from Louisiana, Texas, Alabama and Florida, shall come in and go out free. All other vessels drawing between ten and twelve feet water shall pay two dollars per foot.

FIREMEN.

Incorporation of
Fire Companies in
New Orleans.
1842.
412, 1.

1. The several Fire companies, in the city or New-Orleans, now organized and in active operation, or that may hereafter (by and with the consent of the Mayor and Council of the municipality of New-Orleans, in which said companies may be located) be organized and put into active operation, shall be deemed and are hereby declared and constituted bodies corporate and politic under such names as they may assume, and under such names they and their successors shall severally have succession, and be capable of suing and being sued, pleading and being impleaded, defending and being defended in all courts of justice whatsoever; and also, they and their successors, by the aforesaid names, shall severally in law be capable of purchasing, holding and conveying any estate, real or personal, for the use of their respective corporations.

Charters, how re-
newed.
1842.
414, 4.

2. The several companies now incorporated may, on the expiration of their charters, renew the same under the terms and conditions stated in the next section. The charter of any such company shall exist for the term of ten years, and be renewable for a similar period, with the consent of the Mayor and Recorders.

Firemen exempt
from jury duty,
what forms to pur-
sue.
1842.
414, 2.

3. It shall be the duty of the commanding officers of said companies to deliver to the sheriff of the parish of Orleans, and to the commanding officer of the regiment or regiments to which the members do or may belong, in the month of October of each year, a list of all the active members composing their respective companies, countersigned by the secretary; and it shall be the further duty of the commanding officers of said companies, to declare under oath, before any justice of the peace, that said roll contains the names only of active firemen members of said company, who faithfully perform all the duties incumbent on them as firemen, unless prevented by indisposition or absence, and that no member therein named, joined said company for the consideration of any payment of money, and donation, or service or favor previously rendered; and the said roll shall also bear the certificate of the Mayor and Recorder of the municipality in which said companies may be located, declaring that said companies are duly organized and in the full and faithful performance of their duties.

Members of fire
companies in the
parish of Orleans
exempt from jury
and militia duty,
1850.
201.

4. Each of those persons who now or hereafter may be enrolled active members in any one or more of the present or future incorporated fire companies within the parish of Orleans, and who may serve as fireman for a period of six years after the age of eighteen years and who, while thus serving, are also members of the Firemen's Charitable Association, shall during the

period of such service and thereafter, be exempt from any jury or militia duty within the State of Louisiana, except in cases of invasion or insurrection ; Provided, that in every case in which any person may claim the privileges thus granted, he shall exhibit to the president and secretary of the Firemen's Charitable Association, a certificate or certificates of time of service and honorable discharge, signed by the commanding officer and secretary of the incorporated fire company or companies in which he has been enrolled, and if the said president and secretary shall find that he has served, singly or collectively, as one active member in one or more of said incorporated fire companies, and been a member of the Firemen's charitable Association during the term of six years, it shall be their duty to furnish each of such persons with a certificate in duplicate accordingly, and receive from each of such persons a contribution of five dollars for the benefit of said "Firemen's Charitable Association", one of which certificates shall be filed in the archives of the Parish of Orleans.

5. C. F. Hozey, R. H. Brunet, Ralph Hubbard, A. C. Labatt, George Bedford, S. Pigeon, Charles Diamond and all others who are or may become active members of the several fire companies which are now chartered and in operation in the city of New-Orleans, or which hereafter may be chartered or in operation in said city, and who have paid to their respective fire companies of said city to which they are attached, for the use and benefit of the Association, the initiation fee of two dollars, or may hereafter pay for the use and benefit of said Association on becoming members of said fire companies which now are or hereafter may be chartered the initiation fee of five dollars, and who, in addition thereto, shall pay annually in advance, until a service of six years is completed, the sum of three dollars, shall be and are hereby ordained, declared and constituted a body corporate and politic in deed and in law by the name and title of "Firemen's Charitable Association of New Orleans", and by that name be capable of suing and being sued, in all courts and places whatsoever, and shall be capable of receiving donations, legacies, bequests and devises, and of purchasing, holding, leasing, selling or otherwise disposing of any estate moveable or immoveable, with the rents, profits, income and interest of such estate ; Provided, the said estate do never exceed the capital of five hundred thousand dollars, and the money arising from the sale, lease, alienation, employment or disposal of said estate, be applied to the uses, ends and purposes of said Association, according to the rules and regulations which may from time to time be declared by the said Association, whether by its constitution, by-laws, or by any other manner which it may deem proper to prescribe.

6. The affairs of the said Association shall be managed by a board of directors, composed of not more than three delegates from each of the different incorporated fire companies in the city of New-Orleans, elected annually by and from amongst such members of the Association as are enrolled members of said companies. The officers of said Association shall be such as said Association shall declare by its constitution, whose number, capacity, names, power, duties, mode and time of election, conti-

Incorporation of
the Firemen's Cha-
ritable Association.
1850.
230, 1.

How the affairs
of the Association
are to be managed.
1850.
231, 3.

nuance in office, and all other matters and things belonging to or connected with the same, shall be regulated by said constitution, or the by-laws which said Association shall from time to time adopt.

How the property of the Association shall be disposed of in case of a dissolution.

1850.

232, 5.

7. No division of the property or assets of this Association shall ever take place among the companies composing it, nor shall any company or companies seceding from it have the right to withdraw any portion of said property or assets, but it shall remain the property in common of such companies as continue to compose it. In the event of a dissolution of said Association, all its properties and assets shall be turned over to the directors of the Charity Hospital for the use and benefit of said institution.

Misnomer not to affect donations, &c.

1850.

232, 6.

8. No donation, legacy, bequest or devise to said Association, shall be defeated or impaired by any mis-nomer of the same in the instrument creating such donation, legacy, bequest or devise.

FREE PERSONS OF COLOR.

Penalty for carrying arms without certificate of freedom.

1846.

164 ; 21

1. Free colored persons, who carry arms, are expressly directed to carry with them a certificate of a justice of the peace, attesting their freedom, for want of which they shall be subject to the forfeiture of their arms.

What are capital crimes.

1806.

198 ; 7

2. The different crimes and offences hereafter particularly described, are hereby declared to be capital crimes, that is to say, that if any slave, free negro, mulatto, Indian or mustee, shall maliciously burn or destroy any stack of rice, corn, or other grain, or produce, raw or manufactured, of this State, or shall set fire to, or willingly or maliciously burn or destroy any building or house, or shall wilfully or maliciously poison, or maliciously administer poison to any free man, woman, child, servant or slave, or shall commit, or attempt to commit a rape upon the body of any white woman or girl, this slave, free negro, mulatto or mustee, shall suffer death; and if any free man of color, or Indian, as above said, should maliciously steal any slave, he or she shall forfeit the value of said slave, and shall be condemned to two years imprisonment at hard labor, and in case he is unable to pay the value of said slave, he shall be condemned to four years imprisonment at hard labor.

Notaries to insert "free persons of color" in their acts.

1808.

138 ; 1

3. It shall be the duty of all notaries, or other public officers, not to pass any act wherein any free person of color may be concerned, without inserting after the name and surname of such free persons of color, these words, "free man or free woman of color;" it shall be likewise the duty of all printers and auctioneers, who give public notices, the object of which is to announce the sale of some property belonging to a free person of color, to comply with said formalities, under the penalty for the delinquent, of paying a fine of one hundred dollars, one half of which shall be to the benefit of the informer, and the other half to the use of the State.

Free persons of color insulting or assaulting white persons, how punished.

1816.

148 ; 5

4. If a free person of color insult or assault and beat any white person, such offender, on conviction of either of said offences, shall be punished by imprisonment or fine, or by both at the discretion of the court, according to the enormity of the offence.

5. No slave shall be admitted as witness, either in civil or criminal matters, for or against a free person of color, except in case such free individual be charged with having raised or attempted to raise an insurrection among the slaves of this State, or with taking part in their insurrection, either in acting or by assisting or aiding them.

When slaves may be witnesses against free persons of color.

1816.
146; 2

6. No free negro or colored person, who shall have been convicted of any crime and sentenced to serve a term of years, shall be imported or brought into this State; and if any such should be brought, they shall be seized and sold to the highest bidder for cash, for the same term of service that they have been condemned to serve from whence they have been brought, one half of the purchase money to be applied to the use of the State, and the other half to the use of the informer; and every person who shall import or bring into this State such free negro or colored person, who shall have been condemned as aforesaid, knowing it, shall, upon conviction before any court of competent jurisdiction, be fined in the sum of five hundred dollars for each and every one, one half thereof to be applied to the State, and the other half to the use of the informer.

Free persons of color convicted of crime not to be imported, penalty therefor.

1817
46, 2

7. All free negroes, mulattoes, or other free persons of color who have come into this State, since the first day of January, 1825, shall and may be arrested and proceeded against by warrant, before any judge, justice of the peace, or mayor in this State. And upon due proof of the violation hereof, by any free negro, mulatto, or other person of color, before any judge, justice of the peace or mayor in this State, it shall be the duty of said judge, justice of the peace or mayor, to order any free negro, mulatto, or other free person of color so brought before him, and convicted of having come into this State, since the first day of January, 1825, to depart therefrom within sixty days.

Free persons of color having come into this State after 1st January 1825, Penalty therefor

1830
90, 1

8. No free negro or person of color who shall have been convicted of any crime in any part of the United States or elsewhere, shall be allowed to come into this State either as a fugitive from justice or as an emigrant into this State: and if any such should be found, he, she, or they shall be seized, and if convicted, before any court of competent jurisdiction, fined and imprisoned at the discretion of the court, or until they enter into bond and security to leave the State, and that they never will return into it again.

Penalty for coming into the State, having committed crimes elsewhere.

1817.
46; 3

9. Any free negro, mulatto, or other free person of color, who having been ordered to depart from this State, pursuant to law, shall, after the period assigned for his departure, be found in any parish of this State; all such free negroes, mulattoes and other free persons of color, found within this State in disobedience of such order of departure and removal therefrom, shall be liable to be prosecuted before any court of competent jurisdiction, or before any judge, justice or mayor; and upon due conviction of having disobeyed an order of departure or removal, all such free negroes, mulattoes and other free persons of color shall, by said court, judge, justice of the peace or mayor, be sentenced to one year's imprisonment at hard labor: and if any free negro, mulatto, or other free person of color, ordered to depart from this State, shall be convicted of a disobedience to such order, and sen-

Penalty if found after notice to depart

1830.
90; 2

tenced to imprisonment as herein prescribed, all such free negroes, mulattoes, or other free persons of color, shall be held and bound to depart from this State in thirty days, after the expiration of their imprisonment; and on failure to depart within said thirty days, all such free negroes, mulattoes and other free persons of color, on due proof of a failure to depart from the State as herein required, shall, by said court, judge, justice of the peace or mayor, be sentenced to imprisonment, at hard labor, for life.

Penalty for returning after departure.

1830
90. 4

10. Any free negro, mulatto, or other free person of color, having departed from this State, in pursuance of an order to that effect, and who shall return into this State again, such free negroes, mulattoes and other free persons of color, shall be liable to be proceeded against, according to law.

Free persons of color departing from the United States not to return.

1830
92. 7

11. If any free negro, mulatto, or other free person of color, who is not subject to the provisions of the law, shall at any time depart from the United States; such free negroes, mulattoes, or other free persons of color so departing from the United States, shall be prohibited from returning into this State, on pain of being proceeded against, and incurring the penalties of the law.

Free persons bringing and selling free persons of color as slaves. Penalty.

1830.
92.8

12. If any free person or persons shall hereafter knowingly bring or cause to be brought into this State, any free negro, mulatto, or person of color, and hold the same as a slave, or shall offer the same for sale to any person or persons in this State, as a slave, every such person or persons, shall pay for every such free negro, mulatto, or free person of color, the sum of one thousand dollars, (over and above the damages which may be recovered by such free negro, mulatto, or free person of color,) to any person or persons who will sue for and recover the same, which may be done, either by indictment, or by information filed by the Attorney General, or by the District Attorney, as the case may be, or by a civil action brought by any person prosecuting for the same.

Free persons of color coming into the State after the first constitution to enrol themselves.

1830.
94. 12.

13. It shall be the duty of all free negroes, griffs and mulattoes who came into this State after the adoption of the first constitution thereof, and prior to the first day of January 1825, to enrol themselves in the office of the recorder of the parish, where they may be resident, or in the office of the mayor of the city of New Orleans setting forth their age, sex, color, trade or calling, place of nativity, and the time of their arrival in the State, for which enrolment the recorder or mayor shall be entitled to demand and receive the sum of fifty cents.

Duty of Recorder thereon.

1830.
94. 13

14. It shall be the duty of the said recorder to transmit to the mayor of the city of New Orleans, a copy, certified by them, of the book; and the mayor shall cause a general list to be made out of all the lists so transmitted to him for the several parishes of the State, and of the one which he shall himself have caused to be made, and if shall be his duty to keep in his office the said general list.

Penalty for not recording.

1830.
94. 14.

15. Any such person of color who shall not have had himself or herself so recorded, shall be liable to a fine not exceeding fifty dollars, and to an imprisonment not exceeding one month.

Penalty to officers for not complying with the above.

16. Any officer who shall have neglected to comply with the aforesaid provisions, shall be liable to a fine of not less than fifty

dollars, and not exceeding one hundred dollars, recoverable before any court of competent jurisdiction.

1830.
94. 15

17. These provisions shall not be construed to extend to any free negro, mulatto, or other free person of color, who may have been a slave in this State, and who shall have, with the consent of his owner, been emancipated in any other State of the Union, and shall have, after such emancipation, returned to this State.

Persons exempted from the above provisions.
1830.
94. 16.

18. It shall be the duty of the State Printer to publish this act in his paper, every six months, and in all cases it shall be the duty of the Attorney General and the several District Attorneys of this State, to prosecute the said free negroes, mulattoes, and other free persons of color, in their respective districts, whenever it shall come within their knowledge that this law or any part thereof has been violated, or has not been complied with; or whenever they shall be required to prosecute the said free negroes, mulattoes or other free persons of color, under this law, by any citizens of this State, under the penalty of being removed from office; and in all prosecutions brought by the Attorney General, or the several District Attorneys as hereinbefore prescribed, the said negroes, mulattoes, or other free persons of color, shall be bound to prove that they had come into this State prior to the first of January 1825; and the presumption shall always be, that they have actually come into the same in violation of this law.

Duty of State Printer, Attorney General and District Attorneys.
1830.
94. 17

19. All free negroes, mulattoes, or other free persons of color who have not entered this State in violation of the laws, and who are permanent residents, and owners of property therein, or who permanently reside therein and exercise a useful trade, and who have always conducted themselves in an orderly and respectful manner, shall be permitted to depart from the State and return thereto, as their business may require Provided: however, that this permission shall not extend to such person above mentioned, who shall go to, or return from the West India Islands.

Free persons of color permitted to depart and return, when.
1830.
92 7
1831.
98. 1

20. No free negro, mulatto, or person of color shall come into this State on board of any vessel or steamboat, as a cook, steward or mariner, or in any employment on board said vessel or steamboat, or as a passenger; and in case any vessel or steamboat shall arrive in any port or harbor, or landing, on any river of this State, from any other State or foreign port, having on board any such free negro, mulatto or person of color, the harbor master, or other officer having charge of such port, or any person or persons residing at or near said landing, shall forthwith notify the nearest judge or justice of the peace in the parish in which said port or harbor, or landing is situated, of the arrival of said vessel or steamboat, whereupon the said judge or justice shall immediately issue a warrant to apprehend and bring every such free negro, mulatto, or person of color before him, and on the execution of said warrant by bringing before him such free negro, mulatto, or person of color, he shall forthwith commit him or her to the parish jail, there to be confined until said vessel or steamboat shall be ready to proceed to sea, or to her place of destination, when the master or commander of such vessel or steamboat shall, by the written permit or order of the judge, or justice of the

Free persons of color not permitted to come into the State on board of vessels. How proceeded against.
1842,
308. 1

peace, take and carry away out of this State, every such free negro, mulatto, or person of color, and pay the expensos of his or her apprehension and detention.

Commanders of
vessels to give
bonds.

1842.
310. 2

21. The said judge or justice of the peace shall require from every master or commander of every vessel or steamboat, on board of which any such free negro, mulatto or person of color shall have been brought into this State, that he give bond, with securities, in a sum not to exceed five hundred dollars, for each and every such free negro, mulatto, or person of color, to pay the expenses and charges of the arrest and detention of every such free negro, mulatto or person of color, and to carry him or her out of the State; and if for three days after the arrival of such vessel or steamboat, the master or commander thereof shall neglect to give such security, the master and the owners of said vessel or steamboat shall jointly and severally be liable to a penalty of one thousand dollars, for each and every such free negro, mulatto or person of color.

Proceedings, if
captains of vessels
refuse to carry out
of the State the
free negroes.

1842
310. 3

22. If the master or commander of any vessel or steamboat, on board of which any free negro, mulatto or person of color shall have been brought into this State, shall refuse or neglect to transport and carry out of this State, such free negro, mulatto or person of color, then the said judge or justice of the peace shall order the same to be done by the sheriff of the parish, who shall thereupon be bound to transport or send out of the State, such free negro, mulatto, or person of color, at the proper cost and charge of such free negro, mulatto, or person of color, if he or she have the means to pay the same, and if not, at the expense of the State, to be paid out of the penalty recovered, on the warrant of the said judge or justice of the peace.

Punishment to
free persons of col-
or returning after
being sent out of
the State.

1842
312. 4

23. Every free negro, mulatto, or person of color who, after having been transferred or sent out of this State, shall return into the same, shall, on conviction thereof before a court of competent jurisdiction, be punished by imprisonment at hard labor, for five years; and if such free negro, mulatto, or person of color shall be found in this State, thirty days after the expiration of said imprisonment, he shall be indicted therefor, and on conviction, shall be punished by imprisonment at hard labor for life.

Fine for bringing
in free people of
color against law.

1842
312. 6

24. Any person who shall introduce or bring into this State, any free person of color, in violation of law, shall be punished on conviction thereof, by fine not exceeding two hundred dollars for the first offence; and for the second, by imprisonment not exceeding six months, and by fine not exceeding one thousand dollars.

Fine for employing
or boarding free
people of color.

1842
312. 7

25. Any person who shall employ or harbor, or entertain as a boarder or lodger, any free person of color residing in the State, contrary to law, shall, on conviction thereof, be punished by a fine not exceeding two hundred dollars for each offence.

Exception in
favor of certain free
persons of color.

1842
312. 8

26. The foregoing provisions shall not be construed so as to prevent free negroes, or persons of color who are natives of Louisiana, or have been residing therein since the first of January, eighteen hundred and twenty-five, from leaving or returning to the State, as heretofore allowed; Provided, that they shall not have established their domicile in a free State of the Union.

27. The master of any ship or steamboat, or other vessel arriving in the port of New Orleans from any country out of the United States, or from any other State of the United States, shall within twenty-four hours after his arrival, make a report, in writing, to the Mayor of the city of New Orleans, or, in his absence, to the Recorder of the municipality within the limits of which said ship, steamboat or other vessel may be moored, on oath or affirmation, of the age, name and occupation of every free negro or colored person on board of said steamboat or vessel, under a penalty of one hundred dollars for each free negro or colored person not reported.

Masters of ships, &c., to declare before Mayor the names, &c., of free colored persons on board of vessel.

1842

314. 11

28. It shall no longer be lawful to bring into this State, any slave entitled to freedom at a future period, or a "*statu liber*," and any person who shall bring or cause to be brought such slave or *statu liber* into the State, shall be liable to criminal prosecutions, and on conviction, shall be punished by a fine not exceeding one thousand dollars, and imprisonment not exceeding six months, or both, at the discretion of the court, and shall, besides, be compelled to pay the expenses of conveying the said slave back to the place whence he was brought here, or elsewhere out of the State.

Penalty for bringing into this State any *statu liber*.

1842

316. 12

29. It shall not be lawful for any person residing in this State, knowingly to purchase any such *statu liber*, and any person so purchasing shall forfeit the slave thus purchased, and shall be liable for all the expenses of transporting said slave out of the State, and the said slave shall be sold for the time he has to serve, and on the condition of his being transported by the purchaser out of the State; one-half of the proceeds to go to the informer, and the other half to be paid into the State treasury, on a suit brought on by the attorney general, or by any district attorney, or, on the refusal of the attorney general or district attorney, by any person interested in the forfeiture, or any other citizen.

Penalty for purchasing *statu liber*.

1842

316. 13

30. All *statu liberi* now in the State, shall, when they become free, be transported out of the State, at the expense of the last owner, by proceeding at the suit of any citizen, and such *statu liberi*, when transported out of the State, shall, on returning into the State, be liable to all the penalties provided by law against free negroes or persons of color coming into the State.

Statu liberi to be removed out of the State when they become free.

1842

316. 14

31. No slave shall be entitled to his or her freedom, under the pretence that he or she has been, with or without the consent of his or her owner, in a country where slavery does not exist, or in a State where slavery is prohibited.

No slave entitled to freedom on account of absence from the State.

1846

163. 1

(The following act has expired by the limitation of time prescribed, but is now inserted for the information of those concerned.)

32. All free persons of color who may wish to avail themselves of the protection in the following sections, and who came to this State prior to the year eighteen hundred and thirty-eight, and have constantly resided here since, shall, within thirty days after their promulgation, register their names in the office of the district judge of the parish in which they reside, stating particularly their ages, places of birth, and their places of previous residence.

Free people of color coming into the State before 1838, how to proceed.

1843.

45. 1

33. The several municipal councils of New Orleans in which they may reside, and the several police juries of the parishes in

Duty of municipal councils and police juries thereon.

- 1843
46 2
- the country, in which they may reside, shall, on the application of any such person, be authorized to grant him or her permission to remain in such parish or municipality; provided that such person shall furnish satisfactory evidence of good character, and shall give bond, with satisfactory security, conditioned for their faithful observance of all the laws of this State relating to free persons of color.
- How forfeited.
1843
46. 3
34. All the protection of this law shall be forfeited by any violation of the laws regulating the duties of the free persons of color towards the whites, and also by the revocation of such permission at any time by said municipal councils or police juries.
- Application of above to statu liberi.
1843
46 4
35. All the provisions of the three preceding sections shall apply to statu liberi.
- All corporations organized by free people of color for religious or secret purposes are annulled.
1850
179. 1
36. In no case shall the provisions of the act of 1847, entitled "An Act for the organization of certain corporations in this State," be construed to apply to free persons of color in this State, incorporated for religious purposes, or secret associations, and any corporations that may have been organized by such persons, under this act, for religious purposes, or secret associations are annulled and revoked.

HARBOR MASTERS.

- Harbor Masters, how appointed.
1841
104. 2
1. It shall be the duty of the Governor to nominate, and by and with the advice and consent of the Senate, appoint three Harbor Masters for the Port of New Orleans, who shall hold their offices two years, one of which shall be assigned to each municipality, designating at the time of his nomination, the municipality to which he shall be assigned, and each of the said harbor masters, within their respective municipalities, shall be held to the discharge and performance of all the duties now done, or required to be done by the harbor master.
- Their Bond and oath of office.
1841.
104. 3
2. It shall be the duty of the harbor masters appointed as aforesaid to give bond with two sufficient sureties, in the penal sum of two thousand five hundred dollars each, conditioned for the faithful and impartial discharge of his duties; said bonds to be approved by the judge of the first judicial district court, and at the same time and before the said judge, shall take an oath, faithfully to do and discharge the duties required of them by law.
- Where fees are to be received.
1841.
104, 5
3. The fees of harbor masters shall be demanded and received by the harbor master of the municipality within which a vessel shall first moor and commence discharging.
- Their powers.
1805.
122. 2
4. The harbor masters shall have authority to regulate and station all ships and vessels in the stream of the river Mississippi, within the limits of the said city, and at the levee thereof, and remove, from time to time, such ships and vessels as are not employed in receiving or discharging their cargoes, to make room for such others as require to be more immediately accommodated, for the purpose of receiving or discharging theirs, and as to the fact of their being fairly and bona fide employed in receiving or discharging their cargoes, the said harbor masters are hereby constituted sole judges; and further, the said harbor masters shall have authority to determine how far, and in what instances it is the duty of the masters and others having charge of ships and

vessels, to accommodate each other in their respective situations; and if any master or other person shall resist or oppose the said harbor masters in the execution of the duties of their office, such master, or other person having charge of any ship or vessel, or other person whatsoever, shall, for every such offence, forfeit and pay the sum of fifty dollars, to be recovered with costs of suit, in the name of the treasurer of the city of New Orleans, before any court, having cognizance thereof, all of which fines, when collected, shall be paid to the said treasurer, for the use of the hospital of the said city.

5. It shall be the duty of the harbor masters to superintend and enforce all laws of this State, and all laws of the city of New Orleans, for preventing and removing all nuisances whatsoever, in or upon the levee of the said city.

Harbor Masters
to enforce nuisance
laws.

1805.
124.3

6. The harbor masters, in case of sickness, or temporary absence shall have power to appoint a deputy, and the same to remove, or displace, and appoint another in his room; and further, the said harbor masters shall have the power to demand and receive from the commander, owners or consignees, or either of them, of every ship or vessel that may enter the port of New Orleans, and load, unload, or make fast to the said levee, within the said limits, at and after the rate of three cents per ton, to be computed from the tonnage expressed in the registers of such ships or vessels respectively, and no more; Provided always, that the sums shall not extend to chalans, flats, or keelboats, which are employed in the river trade; unless upon the application of the person having charge of such chalan, flat, or keelboat so employed, the said harbor masters shall interfere and adjust any differences respecting the situation or position of such flat or boat, which differences the said harbor masters are authorized to hear and determine, in which case the said harbor masters may demand and recover, in manner aforesaid, from the party in default in the premises, the sum of two dollars, for every difference so adjusted and no more.

May appoint de-
puties.

1805.
126.6

7. The harbor master and wharfinger of each municipality of New Orleans shall report to the recorder of said municipality, the arrival within the limits of the same, of any vessel or steamboat having on board any free negro, mulatto or person of color, and the recorder of each municipality shall perform within the same, all the duties imposed on justices of the peace, by the several provisions of the law.

Shall report the
arrival of free per-
sons of color.

1842.
312.5

8. The harbor masters appointed under the laws or constitution of this State, shall make on the first of December of each and every year, whether the tenure of office has ceased during the year or not, to the State Treasurer of this State, a report under oath: First, of the amount and other emoluments of fees received by such harbor master during the year ending on said first day of December, and the amount of fees and other emoluments accrued and not yet paid; Second, of the names of the deputies or clerks whom he has found it absolutely necessary to employ in the discharge of the duties of said office, with the salary which he has paid to each of said deputies, and that he does not participate and is in no manner interested in said salary, and

Report of Harbor
Masters to State
Treasurer.

1843, 65.1

that he considers it no more than a reasonable compensation; that the duties of the office with his own personal services which have been given could not be performed by fewer persons or at less expense.

Affidavits to be
annexed to report
1843.
65. 2

9. Each of said harbor masters shall further annex to said reports the affidavits of said deputies or clerks, if any he has employed, that the report made by him is true to the best of his knowledge and belief in all particulars, and that the necessity of employing said clerks or deputies arose neither from his neglect nor failure to discharge personally, from whatever cause, the duties of his office, but because it was not possible that they could be performed by him alone.

How their fees
shall be applied.
1843.
66. 3

10. The fees and other emoluments collected by each harbor master during the year preceding his annual report of the first of December shall be applied as follows: First, to the payment of the expenses of the office, including the salaries of clerks or deputies as aforesaid; Second, to the payment of such harbor master's compensation up to the sum of three thousand dollars, if so much shall remain: and third, the surplus of any there be, shall then be divided between such harbor master and the State, in the proportion of one-third to such harbor master and two-thirds to the State.

Penalty for not
making report to
State Treasurer.
1843.
66. 4

11. If any harbor master shall fail to make the report and pay into the treasury moneys as above required, he shall pay to the State a fine of three thousand dollars in addition to such sums as may appear to be due to the State, under the preceding article, and it shall be the duty of the district attorney for the district where such harbor master may reside, to institute in the district court of such district an action for the recovery of said fine and sum due to the State; which action shall be instituted immediately on his receiving from the State Treasurer the report hereinafter mentioned.

Election of a Har-
bor Master for the
city of Lafayette
1850.
173. 1

12. A harbor master for that part of the port of New Orleans comprised within the limits of the city of Lafayette, shall be elected on the first Monday of May, and every two years thereafter, on the day fixed by law for the election of municipal officers, (in said city by the electors duly qualified to vote for said municipal officers,) who shall be commissioned by the governor, and shall hold his office for two years, who shall be held to the discharge and performance of all the duties now done, or required to be done, by the other harbor masters of said port of New Orleans, which said duties are prescribed in the acts of the thirty-first March, eighteen hundred and five, and of the eighth of March, eighteen hundred and forty-one.

Duties of said
Harbor Master.

Bond which is
to be given by said
Harbor Master.
1850.
175. 2 and 3.

13. That it shall be the duty of the harbor master elected under this act to give bond in two sufficient sureties, in the penal sum of two thousand dollars, conditioned for the faithful and impartial discharge of the duties required by the said act of the thirty-first March, eighteen hundred and five, and all other acts or parts of acts, prescribing the duties of the harbor master, said bond to be approved by the recorder of the parish of Jefferson, and at the same time and before said recorder, shall take his oath

His oath.

duly and faithfully to do and discharge the duties required of him by law.

14. The harbor master elected shall be entitled to receive the same fees and emoluments as are now received by the harbor masters under the existing laws; Provided, that he shall keep an exact account of the fees by him received, and shall at the end of every quarter make out and deliver to the treasurer of said city of Lafayette, a detailed account or statement under oath, of the sums by him received, together with the dates when, and the names of the vessels from which the same were collected, and that he shall be entitled to deduct from each quarterly account, seven hundred and fifty dollars for his compensation, and the balance, if any, shall be by him paid over to the treasurer of said city of Lafayette, to be applied to the maintenance of the wharves and other improvements within the limits of said city.

Fees of the Harbor Master.

A detailed statement under oath of said fees is to be furnished by him.

What balance thereof he is entitled to.

WARDENS.

15. The Governor of this State shall appoint three fit and proper persons to be wardens of the said port of New Orleans, who shall be called "The Wardens of the Port of New Orleans."

Wardens, how appointed.

1805.

130. 7

Their oath of office.

1805.

130. 8

16. The wardens so appointed before they enter upon the execution of the said offices, shall severally take an oath before the Governor, in the following words, to wit:

"I will well, truly and faithfully, according to the best of my skill and understanding, execute the powers and duties vested in, or enjoined on me by law as one of the wardens of the port of New Orleans. So help me God."

DUTIES OF MASTER AND WARDENS.

17. The master and wardens shall keep an office in the city of New Orleans, and shall cause to be made in a book, to be kept for that purpose, an entry of all their proceedings, to which all persons may have recourse.

Record to be kept by wardens.

1805.

130 9.

18. The said master and wardens, or any one of them, shall, if called upon by the person commanding any ship or vessel arriving from sea, inspect the manner in which the hatches of such ship or vessel were secured previous to the opening thereof for the purpose of discharge, and shall be present at the opening of the same, and shall, upon every such survey, certify under his hand, how the said hatches appeared to him, for which certificate he shall be entitled to two dollars, and for every duplicate thereof to one dollar: and the said master and wardens, or any two of them, shall be surveyors of damaged goods, brought into the port of New-Orleans, in any ship or vessel: and with the assistance of one or more skilful carpenters, shall be surveyors of any damaged vessel and any vessel deemed unfit to proceed to sea, and they shall, upon every such survey, certify under their hands, how the vessel so surveyed appeared to them, and shall cause entries to be made in a book to be kept for that purpose in their office, and for each certificate and entry they shall be entitled to two dollars, and for every duplicate thereof, to one dollar: and the said wardens shall severally be entitled for their services as surveyors of damaged goods or vessels, at the rate of two dollars and fifty cents per day: and further, it shall solely belong to the said master and wardens, or any two of them, to order and

Duties and fees of Wardens.

1805:

134, 11.

direct the sale of damaged goods by public auction, giving notice of such public sale at least two days before, in French and English, in two news papers published in this city: and at least two of the said wardens shall be present at such public sale, and shall certify to the truth of the account of sales of the auctioneer by whom such damaged goods shall be sold, and for such attendance and certificate shall be entitled to the sum of ten dollars.

Their proceedings
as to anchors or ca-
bles found in the
Mississippi.
1826.

54.

19. Whenever any person or persons shall take or cause to be taken up any anchor or cable, in the river Mississippi, he or they shall bring or send the same to the port of New-Orleans, where the same shall be deposited at such place as the master and wardens of said port shall determine; and if claimed within three months by the owners thereof or their agents, the said anchor or cable shall be restored to the said owners or their agents, on their proving property and paying to the person so taking up and bringing the same to the port of New-Orleans, such salvage as shall be determined by the master and wardens of said Port; and in case such anchor or cable should not be claimed within the said space of three months, the same shall become the property of the person or persons by whom they may have been taken up: and any person neglecting or refusing to comply with these provisions, shall forfeit and pay for every such offence a sum of fifty dollars.

IMPEACHMENT.

Memorial to im-
peach, how made.
1826
204. 1

1. Whenever any person shall wish to accuse a public officer before the Legislature, he or she shall address to the House of Representatives a memorial containing a brief exposition of the acts of said public officer, which are supposed to be contrary to law, morality or rectitude of conduct; the said memorial shall be sworn to, and signed by him who presents it, and shall contain a list of the individuals who can give any information relative to the facts set forth in said memorial, with a notice of the several charges which each individual included in said list, can substantiate by his testimony.

Duties of commit-
tee of House on
said memorial.
1826
204. 2

2. Whenever a memorial of the nature of the one mentioned above shall be submitted to the House of Representatives, said memorial shall be referred to a committee, who shall be named and appointed as in other cases; the said committee, after having examined the memorial, and the accompanying documents, shall cause the public officer, accused as aforesaid, with the witnesses for the prosecution, to be cited, to be and appear at a subsequent period, either during the same session of the Legislature, or any subsequent session thereof, according as the said committee may deem expedient, taking into consideration the time that the General Assembly still has to sit; Provided, however, that the accused may also on his part apply to the committee to obtain the necessary citations for the appearance of the witnesses he may wish to summon for the defence.

Form of trial.
1826
204. 3

3. At the appointed time, the committee shall proceed to swear and examine the witnesses, both for and against the accused, whose testimony shall be taken down in writing; they shall then make their report to the House of Representatives, and shall de-

clare in the conclusion, whether they are of opinion that the charges are well-founded; in which case, the House itself, after having obtained all necessary information, shall decide whether it be expedient to proceed, by means of Impeachment, or simply by the method of voting, established by the constitution, for removals from office. In case the committee shall make a report in favor of the accused, the adoption of the report by the House shall be sufficient, and the accused shall be discharged, and can never after be brought before the Legislature for the same acts with which he has been already charged.

4. Whenever, in the opinion of the committee, the witnesses shall reside at such a distance, that their attendance at the seat of government must give rise to great expense and loss of time, the said committee shall prepare such interrogatories as they may deem proper, to be propounded to the witnesses for the prosecution, which interrogatories shall be addressed to the senior justice of the peace, or other justice of the peace of the parish in which the witness may reside, and the said senior justice of the peace or other justice of the peace shall, on the receipt of said interrogatories, cause to appear before him the witness for whom they were drawn up, and having administered the oath to him, shall take down, in writing, his answers, and make him sign them; Provided, however, that such interrogatories, thus prepared by the committee shall, previous to their being sent as aforesaid, be communicated to the accused, or his counsel, who shall have a right, to add his cross-interrogatories, to which said witnesses are equally bound to answer; Provided, also, that the accused, on his part, shall be allowed to submit to the committee, such interrogatories as he may wish to propound to the witnesses, in his behalf; and then it shall be the duty of the committee, after having added such cross-interrogatories as they shall deem proper to put, to direct the whole as aforesaid; that it may be proceeded upon in the same manner.

How testimony shall be procured.

1826

205. 4

5. Any senior Justice of the Peace, or any other Justice of the Peace, to whom the interrogatories shall be directed, as above stated, may employ all such means as are allowed by law, to compel a witness to appear, and condemn to a fine, not less than fifty dollars, and not exceeding one hundred dollars, or to an imprisonment not exceeding ten days, any witness for or against the accused, who, being duly cited, shall have refused to attend, or who, having attended, should refuse to answer the interrogatories, or sign his answers.

Compulsory process to procure witnesses.

1826—208, 5.

6. Whenever the culpability of a public officer shall be ascertained either by the sentence of the Senate, or by the concurrence of both houses, agreeably to the Constitution, all the costs arising from the investigation and prosecution of his suit, shall be paid by said officer, which shall be recovered by a suit, to be instituted against the party condemned, by the Attorney General of the State, when the cause arises within the First Judicial District, and by the District Attorneys, when the cause should arise within any of their respective districts. And in order that the provisions of this section shall have full effect, it shall be the duty of the secretary of the Senate, and the clerk of the House of Re-

Payment of costs.

1826—208, 6.

presentatives, to make out a full statement of all the costs incurred in the prosecution which shall come to their knowledge, and hand over the same to the attorneys aforesaid, that the said suit may be by them instituted.

1826--208, 7.

In case the public functionary against whom an accusation shall be brought, should resign his office pending the inquest which shall have been ordered by the House, he shall be bound to pay all the costs which shall have been incurred until that time, and the said costs shall be recovered in the manner provided by the foregoing section.

1826--210, 8.

All accusations pending before the Legislature at the time of their adjournment, shall be prosecuted and continued by the next Legislature.

1826--210, 9.

Every person who shall attend to give evidence, at any time and place, in obedience to a citation or summons issued by the authority of the Senate or House of Representatives, shall be entitled to receive two dollars for twenty miles he shall necessarily travel, in going to and returning from said place, and the like amount for every day he shall so attend, to be paid, after the claim has been approved by the House ordering his attendance, by the treasurer of the State, upon the warrant of the president of the Senate, or speaker of the House of Representatives, as the case may be ; and every witness who has so attended, since the commencement of the present session of the Legislature, shall be entitled to a like allowance, to be paid in the same manner.

1826--210 10.

A like compensation is hereby allowed to every witness who shall hereafter attend, upon a summons from the Supreme Court, to testify upon the trial of a Clerk before the said Court, to be paid by the State treasurer, upon a warrant signed by two of the judges, and attested by the clerk of said court.

INNKEEPERS.

Police juries, powers over tavern keepers,
1822.
28; 2

In towns, power of Mayor and Council,
1822.
28; 3

1. The police jury in each parish shall be, and is hereby vested with full power, to lay such tax on innkeepers, tavernkeepers, and retailers of spirituous liquors, as they may deem proper for the use of the parish, not interfering with any incorporated town.

2. In all incorporated towns, the Mayor and city council or Selectmen, shall have full power to regulate all taverns or retailers of wines or spirituous liquors, and lay on them such tax as they may deem proper, for the benefit of the corporation: Provided, however, the same shall not exceed, in any parish out of the city and parish of New Orleans, the amount of tax levied for the use of the State; the Mayor and city Council of the city of New Orleans, and the Police Jury of the parish of Orleans, shall have power and authority to lay such a tax as they may deem proper as heretofore.

Persons obtaining license, under what conditions.
1830
146, 6

3. No person in this State shall be permitted to obtain a license to retail spirituous liquors, or to keep a tippling house, or other house of public entertainment, without previously giving bond with good and sufficient security in the sum of five hundred dollars, payable to the governor of this State and his successors in office, which bond shall be executed before the recorder and be deposited in his office, and be conditioned in substance as follows:

"That the same shall be forfeited, and the amount thereof recovered before any court of competent jurisdiction in this State, one half to the use of the person who shall sue thereon, and the other half to the use of the parish in which it shall be executed, should the principal in the bond contravene any one of the provisions of this act in relation to slaves, or should such principal keep a disorderly house, or other house of public entertainment, on such principal permit an assemblage of more than three slaves (not belonging to himself or in his employment) at the tippling house or other house of public entertainment kept by him, or at such other place as he may be in the habit of retailing spirituous liquors at.

4. The above section shall apply to the city of New Orleans, in this sense only, that the amount of the bond for one thousand dollars to be given to the Mayor by any person wishing to obtain a license to keep a cabaret or grog shop, by virtue of the third section of the ordinance of the city council, approved the 28th December, 1825, shall be forfeited in the manner provided by the said sixth section of the said act, for every violation of any of the provisions of the act to which this an amendment, and for violations of the ordinances of the said city council relative to grog shops or cabarets, taverns, coffee houses, billiard rooms, and public boarding houses.

In the city of New Orleans how license obtained.
1831.
70; 1

5. No free person of color shall be licensed to retail spirituous liquors, or to keep a tippling shop, or other house of public entertainment in this State, without complying with the provisions of the foregoing section, and without previously obtaining the sanction of the police jury of the parish in which he or they shall desire to obtain a license to retail spirituous liquors, or to keep a tippling house, or other house of public entertainment, or the sanction of the corporation, where one exists, and within which it is designed to retail spirits, or keep a tippling house, or other house of public entertainment.

Free persons of color. how to obtain license.
1830
146; 7

6. Any trader, pedlar, hawker by land or water, tavern, or grog shop keeper, or any master or owner, or any hand employed on board of any flat-boats, or any other water craft whatever, who shall sell, give or deliver, or cause to be sold, given or delivered in payment, or under any pretence whatsoever, to the slave of any other person or persons, without the consent and authorization of the master or owner, or person having charge of such slave, any spirituous and intoxicating liquors; or make any bargain, agreement, or contract with such slave, without the said consent or authorization to procure, give, or deliver in payment, or under any pretence whatsoever to any such slave, any spirituous or intoxicating liquors, either by himself or by means of a slave, or of any other person whatever, shall on conviction thereof, forfeit any license or licenses which he may have or hold under any authority of this State, and be forever deprived of the right of obtaining or holding any such licenses, and be sentenced moreover to pay a fine which for the first offence, shall not be less than two hundred dollars, nor more than four hundred dollars, and for the second offence, not less than four hundred, nor more than eight hundred dollars, and the costs of the prosecution: which fine shall be paid together with the said costs, by the person convict-

Dealing with slaves, how punished.
1832.
162; 1

ed, into the hands of the sheriff in open court, immediately after the judgment of condemnation shall have been pronounced; and if the said fine and costs are not then and there so paid, the court shall order the party condemned to be arrested and conveyed to jail, there to remain until the said judgment be satisfied and the jail fees paid, or that the party so confined shall be otherwise discharged by due course of law; Provided that said offender shall not be imprisoned for a term less than thirty days, nor more than six months. Shall not be subject to the provisions of the present section, the owners of slaves, their overseers, or agents charged with the superintendence of such slaves, who shall give spirituous liquors to their own slaves, or to other slaves belonging to others under their control, either by hire or otherwise.

How proceeded
against.
1832.
164; 2

7. It shall be the duty of all parish, town or village magistrates of this State who shall receive an affidavit, or such information of any violation of the above, to transmit such affidavit or the information to the district judge of the parish in which he resides, and except in the parish of Orleans, all contraventions mentioned in the preceding section shall, upon simple information by the district attorney or other attorney ad hoc, be prosecuted and tried before the district judge, within whose jurisdiction such contraventions shall have been committed, and it shall be the duty of every district judge upon the filing of any such information, to issue a venire, commanding the sheriff of his parish to summon a sufficient number of freeholders of the said parish, to attend and serve as jurors, at a special court to be held in as short a delay as possible, for the trial of the person accused; Provided, that no pedlar, hawker by land or water, tavern or grog shop keeper shall be sworn as a juror to try any of the offences provided against by this law; and any freeholder who after being summoned as aforesaid shall neglect to appear and serve, shall be liable to a fine of twenty-five dollars.

Duty of officers,
and penalty in case
of negligence.
1832.
164; 3

8. In the city of New Orleans and all the parishes of this State, it shall be the duty of every police officer, constable, marshal, deputy marshal, sheriff or deputy sheriff, to denounce every violation of this law, which shall or may come to their respective knowledge, and every police officer, constable, marshal, deputy marshal, sheriff or deputy sheriff, who knowing of such violation shall not denounce the same to a magistrate within twenty-four hours thereafter, shall be deemed guilty of a misdemeanor, and on conviction thereof, removed from office, and shall moreover be sentenced to a fine not exceeding one hundred dollars nor less than twenty-five.

Fines, how dis-
tributed.
1832.
164; 4

9. All fines to be imposed by virtue of the above provisions, shall be one-third for the informer, one-third for the prosecuting attorney, and one-third for the State for the use of the Charity Hospital; and the informer shall be a competent witness in all prosecutions under this act, whenever such informer shall abandon his share of the fine to the State for the use of the aforesaid Hospital, or any other charitable institution.

Further liabili-
ties in case of dea-
ling with slaves,
&c.

10. Every trader, pedlar, hawker by land or water, tavern or grog shop keeper, or any master or owner, or any hand employed on board of any flatboat, or of any other water craft whatever, or any

other person whatever, who shall violate the above provisions, shall be responsible, civilitès, for any damages to which any slave to whom they or either of them shall have given, sold, or delivered, or caused to be given, sold, or delivered, any spirituous or intoxicating liquor, may cause or occasion to the person or property of any person whatever, whilst in a state of intoxication, if the said intoxication was the effect of the spirituous or intoxicating liquor thus obtained by the intoxicated slave, and when the said intoxication shall have been the effect of a spirituous or intoxicating liquor obtained from several traders, pedlars, hawkers by land or water, tavern or grog shop keepers, or masters or owners, or hands employed on board of any flatboat, or of any other water craft whatever, or any other person whatever, on one and the same day by any slave, in violation of this act, every trader, pedlar, hawker by land or water, tavern or grog shop keeper, or master or owner, or hands employed on board of any flatboat, or other water craft whatever, or any other person whatever, who shall have in any degree contributed to said intoxication by selling, giving, or delivering or by causing to be sold, given, or delivered in violation of this act, any spirituous or intoxicating liquor to the slave, causing, doing, or occasioning any damage to the person or property of any person whosoever, shall in solido be responsible, civilitès, for all said damage or damages.

11. It shall not be lawful for any trader, pedlar, hawker by land or water, tavern or grog shop keeper, or any master or owner, or any hand employed on board of any flatboat, or of any other water craft whatever, when so prosecuted or sued, to plead that the spirituous or intoxicating liquor was given, sold or delivered by any of his clerks, servants, engage, apprentices or slaves without his knowledge.

12. No person shall be allowed to keep a grog or tippling shop, or retail spirituous or intoxicating liquors without previously obtaining a license from the police jury, or town or city corporation of the parish in which they shall keep such grog or tippling shop, or retail spirituous or intoxicating liquor, under the pain of being criminally prosecuted, and on conviction, of being fined not less than one hundred dollars, nor more than five hundred dollars; and in default of paying such fine and costs, of being imprisoned not less than fifteen days nor more than four months; Provided, that this section shall be construed to extend to licensed tavern keepers, or keepers of billiard tables.

1832.
164; 5

Innkeeper, what
plea denied him,
1832.
165; 6

How to obtain
license.
1832.
165. 7

INSANE ASYLUM.

1. There shall be established an Asylum for the Insane in the town of Jackson, Parish of East Feliciana, to be called the "Insane Asylum of the State of Louisiana."

Asylum in Jackson
established.
1847.
56, 1.

2. The Governor, by and with the advice and consent of the Senate, shall appoint five persons, who shall constitute a Board of Administration, under the name and style of the "Board of Administrators of the Insane Asylum of the State of Louisiana", one of whom shall be elected President, by the members of said board and the said board shall remain in office for the period of two years. The said board shall meet on the first Monday of

Board of adminis-
tration.
1847.
56, 2.

each month, and as often thereafter as the President may deem necessary ; and at each regular meeting, said board shall have power to fill any vacancy which may occur by resignation, or otherwise.

Quorum, how formed.

1847.
57, 3.

3. The President, and any three of said members shall form a quorum, and in the absence of the President, any four of said members shall choose one from among themselves, to act as President *pro tempore*.

Power to make rules.

1847.
57, 4.

4. Said board shall have full power and authority to make all rules and regulations for their own government, not contrary to law ; to make all contracts necessary and they shall further have the right to accept any donation, or legacy, in the name of said Asylum : and for its use, to sue and be sued, plead and be unpleaded to, in all actions appertaining to the said Asylum.

To elect officers

1847.
57, 5.

5. Said board of administrators shall have power to elect a physician, a general superintendent, and a matron, to be employed in the service of said Asylum, with such salaries as may be determined by the board.

Visiting members appointed.

1847.
57, 6.

6. At every regular meeting, the said board shall appoint two of its members, whose duty it shall be to visit said Asylum at least once a week, for the purpose of ascertaining the manner in which the regulations of said board are complied with, and at each monthly meeting to report to said Board the condition of the Asylum, and the said Board shall furnish the Legislature, on the second Monday of each session, a detailed statement of the annual receipts and expenditures of said Asylum, a statement of the names of the insane persons in the Asylum, a statement of the number and names of those admitted, the number, and names of those deceased and the number and names of those cured and discharged during the current year.

Secretary and treasurer, how elected &c.

1847.
57, 7.

7. The board of administrators shall elect annually, a secretary and a treasurer, who shall give bond and security for the faithful performance of his duty, to be approved by a majority of said Board. It shall be the duty of said secretary and treasurer, to collect all debts due to said Asylum, to receive quarterly, upon the warrant of the president, whatever appropriation may be made by the State for the benefit of said Asylum ; to keep an exact account of the property, credits, and revenues, and to make all necessary payments, under such rules and restrictions as may be established by the board.

Absence of members, how acted upon.

1847.
57, 8.

8. The seat of any member who shall absent himself without sufficient cause, from three regular meetings of said Board, shall be vacated by a majority of said Board, and the vacancy shall be immediately filled, in the manner heretofore provided for. In the absence of the president, a majority of the members shall have power to call a meeting of said Board, whenever the necessities of the Asylum may require it.

How persons are sent to Asylum.

1847.
58, 11

9. Whenever it may be made known to the judge of the district wherein said party resides, by the petition and oath of any individual, that any lunatic, or insane person ought to be sent to, or confined in the insane Asylum of this State, it shall be the duty of said district judge, to issue a warrant to bring before him said lunatic or insane person, and after proper enquiry into all the

facts and circumstances of the case, if in his opinion said lunatic or insane person ought to be sent to, or confined in said insane Asylum, he shall make out his warrant to the sheriff of the parish in which said lunatic or insane person may reside, commanding him to convey said lunatic or insane person to said insane Asylum, for which duty the said sheriff shall have the right to demand the same fees as are now allowed by law for the conveyance of convicts to the penitentiary of the State, which shall be paid out of the parish treasury, upon the order of the district judge, and likewise all other expenses previously incurred in bringing said insane person before said district judge, and the said district judge may hear the case in chambers, and decide summarily.

10. The Board of administrators shall have authority to receive insane patients, not sent to said Asylum by said district judge, on such terms and conditions as said Board may see fit to adopt; any money so received shall be applied to the support of the Institute.

Administrators
may receive per-
sons.
1847.
58, 12.

11. All persons received in the Asylum as insane, shall be charged at a rate not less than ten dollars a month, unless the Police Jury of the parish from whence the insane person came, or Municipal Council, if from a city, or town, shall certify that said person is in indigent circumstances.

Charges to the in-
sane.
1848.
41, 4.

12. Whenever any person who is, or may be arrested, and in custody, or in prison, to answer for any crime or crimes, offence or misdemeanor, before any of the courts of this State having criminal jurisdiction, shall be acquitted by the jury of trials, or shall not be indicted by the grand jury, by reason of the insanity, or mental derangement of such person, and the discharge and going at large of such person shall be deemed by the same court to be dangerous to the safety of the citizens, or to the peace of the Commonwealth, the said court is hereby authorized and empowered to commit such person to the Insane Asylum, there to be detained until he or she be restored to his or her right mind, or otherwise delivered by due course of law.

Persons charged
with crimes releas-
ed on account of in-
sanity. How pro-
ceeded against.
1844.
19, 1.

INSOLVENT LAWS AND IMPRISONMENT FOR DEBT.

1. Whenever a person is sentenced to imprisonment for a given time, and to pay a fine and costs, and to stand committed until they are paid, and the said person has not the means to make the payment, such person may, after the expiration of the time for which he was sentenced to imprisonment, and after having served said time, be enabled to take the benefit of the insolvent laws, for said fine and costs, or either of them, in the same manner as common debtors.

Persons committed
for fines, how re-
leased.
1830
64, 1

2. The writ of *capias ad satisfaciendum* is abolished.

Capias abolished.
1840
131, 1

3. Every individual who shall not be imprisoned for debt, but shall find himself unable to meet his engagements, may avoid all proceedings against his person, for said debts, by surrendering all his estate to his creditors, provided the said surrender be made *bona fide*, and without fraud.

Persons not im-
prisoned may make
surrender.
1817
126, 1

4. Every debtor not imprisoned for debt who shall wish to avail himself of the benefit of the law, by making a surrender of his estate to his creditors, shall present his petition to that purpose,

How to proceed.
1817
126, 2

to any judge having competent jurisdiction, within the place of his domicile, or usual residence, which petition shall briefly state the unfortunate circumstances which oblige him to call his creditors, and conclude with a prayer to be allowed to make said call, at such time and place as the court may direct, in order that he may lay before his said creditors a statement of his affairs, and surrender them his estate, and that in the mean time, all kind of proceedings against his person and property, be stayed.

No lawyer allowed the benefit of the laws for sums collected.

1826

110. 2

Petitioner's schedule:

1817

126. 3

Cession accepted by the judge.

1826

136. 1

Consequences of such surrender.

1826

136. 2

What is not to be included in the surrender.

1817

126. 4

5. No lawyer shall be entitled to the benefit of the laws relative to insolvent debtors for any sum by him collected in his capacity as lawyer.

6. The debtor shall annex to his petition, his schedule, that is a summary statement of his affairs, and the losses he may have experienced, mentioning the names of his creditors, their places of residence, and the amount of their respective claims; and the said schedule shall, besides, contain a statement of all his property, as well moveable as immoveable, and the insolvent's rights and actions, (except those which are hereinafter secured to him,) together with a mention of the approximate value of the property by him assigned.

7. When any insolvent debtor shall wish to avail himself of the benefit of the laws concerning the voluntary surrender of property, he shall present his petition and schedule in the due mode and form provided to any judge having competent jurisdiction, praying to be allowed to make a cession of all his property to his creditors; and it shall be the duty of said judge to endorse on the schedule, that the cession of all the property of said insolvent debtor is accepted for the benefit of his creditors.

8. From and after such cession and acceptance, all the property of such insolvent debtor, mentioned in said schedule, shall be fully vested in his creditors, and shall not be liable to be seized and attached, taken or levied on, by virtue of any writ of seizure, attachment or execution, issued against the property of the said insolvent debtor, and the syndic or syndics who may be appointed by the creditors, shall take possession of, and be entitled to reclaim and recover all the said property, and to administer and sell the same; but the debtor may, before homologation of deliberations of creditors, revoke the cession, which he shall be authorized to do on his depositing in court a sum of money sufficient to cover all the debts due by him, according to his said schedule, together with all the costs until then made and incurred; and if, after all the creditors shall have been paid out of the property ceded, there remain a balance in the hands of the syndics, the debtor shall be entitled to recover and receive from the syndics, the balance.

9. A debtor who shall make an assignment, or surrender of his property, shall not be bound to include in his schedule, the clothes and linen to his use or that of his wife and family, the bed in which they sleep and their appurtenances, such as mattresses, mosquito nets, &c., nor his arms and militia accoutrements, nor the instruments or tools indispensable for the exercise of the trade or profession which enables him to gain his livelihood.

10. Said schedule shall be signed by the debtor, if he can write, and be by him sworn to, or affirmed, before any judge or

justice of the peace, in the following words, or others of the same meaning: "I, A. B. do solemnly swear or affirm (as the case may be) that the above schedule contains a correct and faithful statement of all the property I possess, either in moveables or immoveables, or in other rights or claims, except, however, the clothes and linen to my use and that of my family, my arms and militia accoutrements, and the instruments indispensably necessary for the trade or profession whereby I make a living, and which the law authorizes me to keep, (the whole as the case may be.) And I do further solemnly swear, that the said schedule contains a correct and faithful statement of my active and passive debts, and of the losses I have experienced in my affairs, and that I have neither directly nor indirectly diverted any thing of my property to the injury of my creditors. So help me God." And the judge or justice of the peace who shall receive such oath, shall certify the same, and cause it to be signed by the debtor, or declare the reason why it should not have been done, in case the said debtor could not sign.

Form of oath annexed to schedule.
1817
126, 5

11. If the debtor be a merchant, or shopkeeper, he shall, besides his schedule, present to the judge all the commercial books he may have kept, which books the said judge shall paraph, *ne varietur*, on the first and last sheet of each, and that the said books thus marked, shall be immediately deposited in the office of a notary, or other public officer designated to preside at the meeting of the creditors, and the said notary, or other public officer, shall hand them over to the syndics who shall be appointed.

Commercial books to be surrendered.
1817
128, 6

12. In case the debtor who applies for the benefit of a surrender of his property, should have no property to surrender to his creditors, or if the appraised value of the property exhibited in his schedule, should not amount to more than one-third of his debts, or in case he should already have presented his schedule, during the year next preceding, whether he did or did not withdraw his petition, praying for a respite, or for the benefit of the surrender of his property, the judge shall not admit him to the benefit of the law, unless it be proved to said judge, by an affidavit sworn to by two credible and disinterested witnesses, that the debtor has really experienced the losses by him stated, and that the said losses may have reduced him to the situation in which he finds himself.

When debtor's losses have to be proved.
1817.
128; 7

13. Whenever the judge shall be convinced that the debtor who wants to surrender his property, has complied with all the formalities prescribed by the laws, he shall order that the creditors of said debtor be called, in the manner and within the time prescribed for respites by the civil code, and he shall appoint a counsellor, to represent the creditors absent, or residing out of the State, if there be any mentioned in the schedule.

Order of judge and appointment of counsellor, when given.
1817.
130; 8

14. When issuing the order for the meeting of the creditors, the judge shall order that all proceedings, as well against the person as against the property of the debtor, be stayed; Provided, however, that the said stay of proceedings shall not prevent the judge who shall have granted it, but every other, to order afterwards that the debtor be imprisoned, and his property sequestered, or both at the same time, in case one of the creditors shall pray for it, and swear that he has strong reasons to fear that the

Its forms.
1817.
130; 9

debtor may avail himself of the stay of proceedings, to keep either his person or property, or both from his creditors; Provided, that in all cases, the debtor may prevent his person from being arrested, by giving bond, with good and sufficient security, in such sum as shall be determined by the judge, conditioned, that he shall not leave the limits of the jurisdiction of the court, until he shall have obtained the definitive homologation of the proceedings had on his surrender of property.

Provisional Syndics, when appointed.

1817.
130; 10

15. For the time preceding the meeting of the creditors, the judge shall have power, on the application of at least three of the creditors of the insolvent debtor, to appoint one or two provisional syndics, taken by preference from among the creditors of the insolvent debtor, if any of them offer to accept of the trust, who shall take charge of the estate of the insolvent debtor, and keep the same until the meeting of creditors, and the judge shall require from said provisional syndics, a bond with one or more good and sufficient securities, the amount of which bond shall be proportioned to the value of the estate delivered up to them.

Their duties.

1817.
130; 11

16. The duties of the said provisional syndics shall consist in keeping as a deposit, all the goods and other effects of the insolvent debtor, which shall be delivered up to them, in performing all the conservatory acts which may be necessary, as well for the interest of the insolvent debtor as for that of the mass of creditors, in demanding and receiving the rents and income of said property, as also all the claims of the insolvent debtor, which might become due during the time of their administration, of all which they shall render an account to the syndics appointed by the creditors; and the said provisional syndics, when rendering said account, shall be entitled to demand for their trouble and services, one per cent. on the appraised value of the goods and effects confided to their care, and five per cent. on the rents and income which they shall have recovered during their administration.

All assets surrendered to them.

1817.
132; 12

17. All the goods, titles and claims which the insolvent debtor shall have declared in his schedule, or which might have been sequestered anterior to the appointment of provisional syndics, shall be delivered up to said provisional syndics, as soon as they shall have been duly appointed, and shall remain in their hands, subject to the same sequestration as before; and, in case the insolvent debtor should refuse to deliver up the goods and effects in his possession, the judge may oblige him to that delivery, either by ordering the sheriff to seize the said property, to be by him delivered up to the said syndics, or by causing the insolvent debtor to be imprisoned until the said delivery is effected.

Insolvent to deposit books and papers in Notary's Office.

1817.
132; 13

18. The debtor who shall have obtained leave to call a meeting of his creditors, for the purpose of surrendering to them his property, shall immediately deliver into the office of the notary, or other public officer appointed to preside at said meeting, a copy of his petition and of the order of court relative to said call, as also his schedule, with all the books and papers which may serve to give an explanation of his affairs, in order that his creditors may take cognizance thereof.

19. At the meeting of the creditors, the said creditors, after

having certified on oath their respective claims to be true and legitimate, shall proceed to the appointment of one or more syndics, not exceeding three, and the judge or notary public before whom said meeting is held, shall, before issuing a certificate of election, require from said syndic or syndics, a bond with one or more good and sufficient securities, on which bond the parties therein shall be liable in solido for the amount thereof to the satisfaction of the court in which the insolvent proceedings are held, the amount of which bond shall be fixed by the rule adopted, relative to curators of vacant successions, unless two-thirds of said creditors, in number and amount, shall dispense with any security at the said meeting, and so express it in the process verbal; Provided, that the syndic or syndics shall always be bound to give security to the amount of the mortgage and privileged creditors.

Meetings of creditors,
1837.
95; 1

20. In the appointments of syndic or syndics, the creditors are empowered to vote by proxy, and decide also by proxy, whether bonds shall be required from the syndic or syndics; Provided, that said proxy or proxies do fulfil all the obligations and conditions now required by law from the creditors represented by them.

When bonds are required of Syndic.
1837.
95; 2

21. In all deliberations which shall take place between the creditors either for the choice of syndics, or for the sale or disposal of the property surrendered, or for any other object relative to the interest of the mass of creditors, the opinion of the majority of the said creditors, in sum or in claims, shall prevail, but in case of an equality in the sums or claims of the contending parties, then the number of persons shall prevail; Provided, however, that the wife, in partnership of goods with her husband, or her heirs, shall not be allowed to vote in said deliberations, unless their rights should have been previously settled by a deed of partition, or a judgment for a separation of goods.

Votes, how estimated.
1817.
132; 15

23. The property ceded, excepting incorporeal rights, shall be sold by public auction, at such times and places, and upon such terms and conditions, as may be determined by the creditors, and incorporeal rights, actions and credits may also be sold by public auction, by virtue only of an order of the court, before which the proceedings are depending, to be made upon the petition of the syndics, setting forth the reasons which may render such mode of disposition advisable.

Property surrendered, how sold.
1826.
138; 3

23. The creditors may, in their deliberation, at the time of electing syndics, determine the rate and the amount of the commissions to be received by the syndics, or may determine that no commissions shall be received by them, and such determination, made in conformity to law, shall be valid and binding upon the syndics who shall accept the trust; Provided, that in no case, shall the syndics collectively be entitled to receive greater commissions than at the rate of five per centum upon the net amount of monies by them received, after deducting expenses; and provided also, that when the commissions of the syndics have not been fixed by the deliberations of the creditors, commissions shall be allowed at the following rates, to wit: five per centum upon a sum not exceeding fifty thousand dollars; three per centum upon sums above fifty thousand dollars, and not exceeding one hundred thou-

Commissions of Syndics, how estimated.
1817.
15.
1826.
132; 4

sand dollars, and two per centum upon all sums exceeding one hundred thousand dollars, and provided further, that the said commissions shall be allowed only on such net sums of money as shall actually come to their hands, or be disbursed and distributed by them.

Syndics need not
be creditors.

1826.

140; 5
Privileged or
mortgage creditors
not bound by de-
liberations of or-
dinary creditors.

1817.

134; 16

24. Persons may be appointed syndics to administer ceded property, although they may not be creditors of the ceding debtor.

25. The privileged or mortgagee creditors of the insolvent debtor, shall not be bound by the decisions of the majority of the other creditors, either in amount or persons, if the said creditors want to sell the property surrendered on a credit, and the privileged or mortgagee creditors shall always have the right to require that the sale of so much of the property only, on which their respective privileges or mortgages rest, be made for cash, as will be sufficient to make the amount due to them, together with interest and costs.

Duty of Syndic to
deposit process ver-
bal of deliberations
of creditors.

1817.

134; 17

26. When the syndics shall have been duly appointed in the meeting of creditors, and the surrender of property shall have been duly accepted, it shall be the duty of said syndics, or of the debtor who shall have asked for that meeting, to deposit in the clerk's office of the court who shall have issued the order for a call of the creditors, an authenticated copy of the verbal process of the deliberations of the said creditors, on the appointment of the said syndics; and it shall not be necessary to have such deliberations homologated.

Oppositions to de-
liberations, when
made.

1817.

134, 18.

27. In case, after the appointment of said syndics, any of the creditors of the insolvent debtor should deem necessary to oppose it, on the ground of some fraud having been committed by the said insolvent debtor, or of the appointment not having been legally made, he shall, within ten days next following the appointment of said syndics, lay before the court, which has already taken cognizance of the case, his written deposition, stating specially the several facts of nullity of the said appointment, or of fraud by him alleged against the insolvent debtor. Whereupon, in case of accusation of fraud, after having received the said insolvent's answer, the court shall order a jury to be summoned, for the purpose of deciding on the said accusation.

Interrogatories to
insolvent.

1817.

134, 19

28. Upon such an accusation of fraud, the creditor who shall have brought the same, shall have the right to interrogate the insolvent debtor, and to put him such written questions on the state of his affairs, and the several transactions in which he may have been engaged anterior to his failure, as he shall think proper, and the insolvent debtor shall answer in writing to the said interrogatories in a pertinent and distinct manner, and every insufficient answer on his part shall be construed against him.

Verdict of jury, its
consequences.

1817.

134, 20.

29. If the jury summoned for the purpose of deciding on the accusation of fraud brought against said insolvent debtor, declare in their verdict, that the insolvent debtor has been guilty of fraud, the said insolvent debtor shall for ever be deprived of the benefit of the laws passed in favor of insolvent debtors in this State.

Any debtor who shall have been found guilty of fraud as aforesaid, shall forever be deemed incapable of holding any office of

trust under the government of this State, and shall, moreover, be liable to be prosecuted and punished as a perjurer, if he should be convicted of having foresworn himself in any of the declarations which he is bound to make.

1817.
136, 21

30. All persons shall be considered as fraudulent bankrupts, who shall be convicted of having concealed their body or any of their property, with an intention to keep them from their creditors, as also, those who being merchants or shopkeepers, shall be convicted of having concealed their commercial books and papers with the same intention, and the same rule shall apply to any insolvent debtor who shall abscond or absent himself from his usual place of residence, without leaving to his creditors any account of his affairs, and without having previously surrendered to them his property, or who shall carry off with him any of his goods and effects, or shall transfer the same to any other place, in order to deprive his creditors thereof.

Who are fraudulent bankrupts.
1817.
136, 22.

Every insolvent debtor shall also be considered as a fraudulent bankrupt, who shall be convicted of having passed sham deeds for the purpose of conveying the whole or any part of his property, and depriving his creditors thereof, or of having knowingly omitted to declare any of his property, rights or claims in his schedule, or of having purloined his books, or any of them, (if he be a merchant or shopkeeper), or of having altered, changed, or made them anew, always with an intent to defraud his creditors, or of having alienated, mortgaged or pledged any of his property, or having committed any other kind of fraud to the prejudice of his creditors.

1817.
136, 23.

Any debtor who shall be convicted of having, at any time within the three months next preceding his failure, sold, engaged or mortgaged any of his goods and effects, or of having otherwise disposed of the same, or confessed judgment, in order to give an unjust preference to one or more of his creditors over the others, shall be debarred from the benefit of the law of voluntary surrenders and the said deeds or acts shall be declared null and void ; provided, however, that if the purchaser of such property shall prove that the said property was either sold or engaged to him for a true and just consideration, by him *bonâ fide* delivered at the time of such deed, then and in that case, the said sales and mortgages shall be declared valid.

1817.
136, 24.

31. All accountables of public funds of any kind, and all unfaithful depositaries, shall be deprived of the benefit of all laws passed for the relief of insolvent debtors, and shall remain imprisoned until they shall have paid the funds confided to their care in their aforesaid capacity. All those whose losses shall have been occasioned by gambling, dissipation or debauch, shall also be deprived of the benefit of the law.

Unfaithful depositaries and fiduciary debtors.
1817.
138, 25.

32. If the Judge before whom the accusation of fraud is brought, or an opposition to the appointment of the syndic is made, thinks that the interests of the creditors of the insolvent debtor may suffer by a delay of the approval of the appointment of the syndics, it shall be lawful for said judge, all opposition notwithstanding, to approve previously the said appointment, if he finds that it has been made agreeably to law.

Judge can appoint syndic, when accusation pending against insolvent.
1817.
138, 26.

Effect of discharge.
1817.
138, 27. 33. If the accusation of fraud brought against the insolvent debtor is declared to be ill founded, or if there be no opposition to the surrender of his property, the insolvent debtor shall be relieved and discharged from every judicial proceeding relative to the debts contracted until then, except in case he should thereafter acquire other property.

1817.
138, 28. The surrender of property shall only exonerate the debtor to the amount of the property surrendered, and in case the said property should have been insufficient, if he acquires some other in future, he shall be bound to abandon it until final payment; provided, however, that the creditors to whom the debtor might have become indebted since his failure, shall be preferred to the former creditors, for their payment on the new property acquired by the debtor, and that means of subsistence shall be left to the debtor and his family.

Judge, when he
can appoint syndic.
1817.
138, 29. 34. If, on the day appointed for the meeting, the creditors, although duly summoned, do not attend or refuse to appoint one or more syndics, it shall be lawful for the judge, on a certificate of the notary, or other public officer, in whose office the said meeting was to take place, stating that the creditors did not attend, or would not appoint syndics, to authorize the sheriff to receive the surrender of property offered by the debtor, and to perform in every respect the functions of syndic, unless any of the creditors should choose to take that charge, in which case, the judge shall appoint said creditor for that purpose, on the said creditor giving bond with good and sufficient security, proportioned to the value of the property to be committed to his charge.

Syndic to sell property.
1817.
140. 30. 35. The definitive syndic shall apply by petition, to the court who shall have ordered the meeting of creditors, to be authorized to sell at public auction, and to the last and highest bidder, all the insolvent debtor's property, and it moreover shall be the duty of said definitive syndic, without authorization from any Court for that purpose, to sue and be sued, either as plaintiff or defendant, in every thing which respects the rights and actions which may belong to the insolvent debtor, and which may concern the mass of creditors, and finally, he shall make a distribution of the proceeds of said property, agreeably to the directions of the Court.

Empowered to release mortgages.
1817.
140, 31. 36. The syndics, for the purpose of effecting the sale of the property assigned, shall even be authorized to give a release of the mortgage which may exist on said property in favor of any of the creditors, provided, they require the other securities which might have been prescribed by the mass of creditors, and provided also, they keep in their hands the proceeds of said property, subject to the same rights in favor of the said mortgagee creditors, which they had on the property itself, on which their mortgage existed.

Syndics, how to deposit monies.
1837.
95, 3. 37. All executors, administrators, curators and syndics, shall deposit all monies heretofore collected by them as such, and all monies hereafter collected, as soon as the same shall come into their hand, in one of the chartered banks of this State, or in one of their branches, allowing interest on deposits, if there be one in the parish, and shall keep a bank book in his official name and character, and shall, on no account, remove or withdraw said de-

posits, or any part thereof, until a tableau of distribution shall be homologated, or unless ordered by a competent court, and then only to pay such debts as may be ordered for payment; and if any executor, administrator, curator of a vacant succession, or syndic, shall fail to comply with these provisions, and proof shall be made thereof, by any creditor or person interested, which proof may be administered on simple motion, after ten days notice, which motion may be filed in the clerk's office at any time, then such executor, administrator, curator, or syndic shall be condemned jointly and severally with his security or securities, to pay to the use of the estate, twenty per cent per annum, interest, on the amount not so deposited, or withdrawn without order, besides all special damages suffered, and shall be dismissed from office as executor, administrator, curator or syndic, as the case may be.

38. Any creditor, or other persons interested, may at the regular sittings of the courts in New Orleans, and in the country as well during the vacation as the sitting of the court having jurisdiction, file, in the clerk's office, a motion to know whether any executor, administrator, curator, or syndic, has any funds; and such executor, administrator, curator, or syndic, shall be bound, within ten days, to file a true statement of his account with the bank, showing the amount of funds collected by him, and on a failure so to do, such executor, administrator, curator, or syndic, shall be dismissed from office and pay ten per cent per annum interest on any sums for which he may be responsible.

39. When the time shall arrive when a dividend shall be declared, or the syndic shall be called on by any creditor to make a showing of the amount of funds in his hands, and it shall appear by the statement required to be filed in the clerk's office, that said syndic has funds to distribute, the said syndic shall make out a tableau of distribution, within ten days next following the day of filing the statement of his account in the clerk's office, containing the names of the several creditors of the insolvent debtor, and mentioning the sums which are due to them respectively; and the said tableau shall besides, contain the distribution of the sum to be divided among all the creditors, in following the order of privileges and mortgages, if any they have, or proportionably, if they are mere ordinary creditors; and the said syndic shall deposit the said tableau in the clerk's office of the Court having jurisdiction of the failure, and the clerk thereof shall issue notice to the creditors, to be given by bills, or publications, in the same manner as for meetings, that they show cause within ten days next following, if the court be in session, and before the first day of its next session, if it be not in session, why the statement, or tableau shall not be homologated, and the distribution made agreeably to its contents.

40. All the suits which shall have been brought anterior to the failure, before several courts, shall be transferred to the one in which the insolvent debtor shall have presented his schedule, and shall be continued against his syndics.

41. If any merchant or trader abscond or conceal himself, in order to avoid the payment of his debts, it shall be lawful for three of his creditors or more, to apply to any competent judge, and

Creditors can move to ascertain the amount of funds in syndic's hands, when.

1837.

95, 4.

Tableau of distribution, how filed.

1837.

96, 5.

Suits consolidated.

1817.

142, 37.

Merchants absconding, how proceeded against.

1826.
140. 6.

after having made an affidavit, that the said merchant or trader has actually absconded or concealed himself, in order to avoid the payment of his debts, or to be sued therefor, as well as of the specific amount of their respective claims, to obtain from the said judge, an order authorizing the sequestration of the property of the said merchant or trader, and that his creditors may be called to appoint syndics, who shall be put by the judge in possession of the property of said merchant or trader, as by way of forced surrender, and that in such case, all the other formalities and rules, prescribed by law in voluntary surrender of property, shall be complied with.

Debtors not in custody, how forced to surrender.

1840.
132. 5.

42. Whenever two or more final judgments, each for a sum exceeding three hundred dollars, shall have been rendered against a debtor, and execution issued thereon, and returned "*no property found*", and the plaintiffs shall unite in a petition, setting forth under oath that they have reason to believe that the defendant has property, rights or assets of some description within the State of Louisiana, which may be made available to his creditors, the court shall order such defendant to show cause within ten days, why he should not pay the amount of such judgment, or in default of such payment why he should not make a surrender of his property to his creditors, and in case said judgments are not satisfied, on or before the return day of said order to show cause, the court may, if satisfied with the showing, render judgment on said petition, ordering the defendant to file in court within a reasonable time, to be fixed by the court, a schedule of his affairs, and to surrender his property to his creditors; which schedule shall in all things be made conformably with the laws now in force, relative to the voluntary surrender of property, and all the proceedings had in such matter, shall be conducted as provided for by said laws.

Penalty to debtor refusing.

1840.
133. 6.

43. In case such debtor shall fail or refuse to comply with the judgment of the court, ordering such surrender, within the delay fixed, the court shall, on motion, order such debtor to prison there to remain until he shall have complied with such judgment.

Penalty in case of fraud.

1840
133; 7

44. In case any debtor who shall have surrendered his property, shall be convicted of fraud, he shall be sentenced by the court to suffer imprisonment for a term not exceeding three years.

Unjust advantages, what and how punished.

1840.
133; 10

45. If a debtor who has not voluntarily surrendered his property to his creditors, or has not been proceeded against for a surrender, shall, in violation of any existing law, have within the year, given an unjust advantage, or preference to any one of his creditors, by payment, or otherwise, or shall have anticipated the payment, or provided for the payment of a debt not due, the effect whereof shall be to injure the complaining creditor, or shall purchase property for cash, the delivery whereof shall be made to him, and shall sell or dispose of the same without paying his vendor, or shall remove the same beyond the reach of such vendor, or shall conceal or cover the same in any manner, so that his vendor cannot render the same liable, (or shall fail to pay over money received, or collected for, or deposited with him for another,) or shall have made a conveyance, or transfer, or mortgages, or pledge of his property to the prejudice of the complain-

ing creditor; any of such facts shall be held presumptive evidence of fraud, liable however, like all other presumptions, to be disproved.

46. Any creditor who under the above provisions may justly believe that he has good cause of complaint, may apply to a competent judge, who may thereupon order the arrest and confinement of the party complained of, until such party shall have given bond, in a sum to be fixed by the judge, with one or more solvent securities residing in the State conditioned for such party's appearance to answer the petition, and abide the final order of the court thereon.

Arrest of debtor for fraudulent preferences, when and how made.
1840.
134; 11

47. All cases which shall originate under the above provisions shall be tried within the shortest delay and in preference to all other cases on the docket; not however, denying to either party sufficient time to procure witnesses and evidence upon a proper showing; and either party may require the same to be tried by jury.

Cases tried by preference.
1840.
134; 12

48. When the cause mentioned in the above three sections shall be tried, if the jury or court, as the case may be, shall be satisfied that the defendant has been guilty of defrauding the complaining creditor, the court shall condemn the defendant to be imprisoned for a period not exceeding three years; and if it also appears that the defendant has been guilty of conferring an unjust preference or advantage upon another bona fide creditor, whose demand was actually due, such defendant may be relieved from the imprisonment by paying the complaining creditor, or repairing the injury or fraud complained of, and in case the jury or court, as the case may be, shall find the charges against the debtor unfounded, and that the creditor has proceeded without reasonable grounds of suspicion, they may impose such damages against the party complaining as may be reasonable and just.

Judgment in case of conviction of fraud and how relieved.
1840.
134; 13

49. The creditor who may proceed against his debtor under the above 45th and 46th sections, may in the same action proceed against the party in favor of whom the defendant may have made the sale, conveyance, mortgage, transfer, pledge, assignment or payment complained of, and the court may render judgment against such third party in pursuance of the existing laws.

In actions for advantage and fraud, the purchaser may also be proceeded against.
1840.
134; 14

50. The debtors complained of as above shall not be denied, or deprived of the benefit of the writ of "Habeas Corpus."

Writ of habeas corpus secured to debtors.
1840.
136; 15

51. The condition of the bond to be given by a debtor who shall have been arrested by his creditor (unless for some of the causes pointed out in the 45th section) shall be that the debtor shall not depart from the State, for the term of three months, and when arrested for any of the causes pointed out in said section, the condition of the bond to be given shall be that if the fraud complained of shall be established, the security shall be liable for the debt of the complaining creditor, in case the debtor shall have departed from the State without the leave of the court.

Condition of bond of debtor in case of arrest.
1840.
135; 1

52. In all cases of failure or insolvency of any debtor of the State, and in all cases when the property remaining in the hands of an executor, administrator or syndic, shall not be sufficient for the payment of all the debts of the deceased or bankrupt, the debt due to the State shall be paid by privilege and preference to

Privilege of the State.
1815
34 1

any other; and every executor, administrator or syndie who shall knowingly pay other debts of the deceased or bankrupt, before those due to the State, shall be personally responsible as also his personal estate for the payment of whatever sum may be due to the State by the deceased or bankrupt; but this act shall in no manner impair the conventional, legal or judicial mortgages which may have been obtained by an individual or the State, on the property of the deceased or bankrupt prior to the time when the bond of such officer was given and recorded.

When insolvent
surrendering can be
witness.

1823
76. 2

53. No person who has made a surrender of his property for the use of his creditors shall be admitted as a witness, (except in cases of usury, and of unlawful contracts, agreeably to the existing laws,) in any civil suit brought either by the mass of his creditors against any of his creditors or debtors, or by any of the said debtors or creditors, against the mass of the creditors of the said person on any contract, note or obligation entered into, drawn or executed, or subscribed by the said person previous to his having made a surrender of his property.

Insolvent and
bankrupt laws both
in force.

1843
51. 1

54. The insolvent laws of this State, in force at the date of the passage of the last bankrupt law of the United States, are declared to be in full force and virtue; Provided, that the article 3053, of the Louisiana Code, be so amended that the opinion of a majority of the creditors, in number and amount shall prevail.

Liquidator, how
appointed.

1847
209. 1

55. Hereafter, whenever the charter of any corporation in this State shall be deemed forfeited, by any district court in this State, the district attorney of said district court shall forthwith inform the Governor of this State of the fact, and the Governor thereupon shall appoint a liquidator to take charge of, and liquidate the affairs of said corporation. In case of death, resignation or removal of any liquidator, appointed as herein provided for, the Governor shall fill the vacancy occasioned thereby, by appointing another person, and in case of refusal of any person appointed to act as liquidator, the Governor shall appoint the district attorney of the district within which said corporation is domiciliated, who shall be dispensed with giving the bond and security herein provided.

Public works,
how sold.

1842
240. 14

56. When any public work or improvement belonging to a bank, and committed to the charge of a liquidator, shall be seized and sold in consequence of the power vested in said liquidator, he, in the sale and transfer of said public improvement to the purchaser, may include all the rights and privileges to exact toll or compensation for the use of said works, or any part thereof, or for any article furnished by him, subject to all the rules and regulations and restrictions provided by the charters of such banks respectively; Provided that such work and privileges shall in no case be sold for a period exceeding that for which the banking privileges of said corporations were granted by their respective charters; and provided further, that if such bank shall have granted indulgence to its debtors, in pursuance of law, the works and improvements constructed by it shall not be sold, unless such sale be necessary for the payment of its debts.

57. Whenever it shall be made to appear to the Board of currency, that any bank desirous of going into liquidation, whether

proceedings have or have not been instituted for a forced surrender, has paid its debts and circulation, or has deposited into some other bank in this city, a sum sufficient to pay such deposits and circulation, or has made an arrangement with any other bank, whereby such other bank shall bind itself to pay such deposits and circulation, the board of currency shall certify such fact to the court before which the proceedings shall be instituted, and said court may authorize the stockholders to appoint one or more commissioners, and fix their compensation; and in that case, the stockholders may appoint the commissioners of liquidation in the same manner and under the same regulations and restrictions as are required for the election of directors of such bank, and the commissioners, when the proceedings shall have been duly homologated, shall have authority to liquidate the affairs of such bank, under the exclusive direction and control of the stockholders thereof; Provided, that said commissioners shall still remain under the supervision of the board of currency, so far as relates to the extension of time to be granted to the debtors of said bank, in conformity to law.

When stockholders are authorized to appoint commissioners.

1842
248; 27
1842
254. 31

58. The foregoing provisions relative to the liquidation of banks shall not apply to those banks in which the State is a stockholder, or for which it has issued bonds, or for the debts or obligations of which the State is in any manner responsible: said banks shall not be permitted voluntarily to go into liquidation, and if a decree of forfeiture of its charter be rendered against any one of such banks, the corporation shall not be deemed to be dissolved, but it shall retain all its corporate powers and privileges, with the exceptions hereinafter mentioned, that is to say, if such bank shall, by a vote of the stockholders thereof duly convened for that purpose, consent and agree, within ninety days after said decree shall have been rendered: 1st, to renounce the right of issuing notes or obligations in any form intended for circulation; 2d, that all that portion of its assets which is denominated the "*dead weight*," or if such assets, should not in the opinion of the board of currency be deemed sufficient, then other assets to a sufficient amount should be immediately converted into a sinking fund, applicable exclusively to the payment or purchase of the bonds of the State, issued to or for account of said bank, the whole to remain in possession of the bank, but under the direction and superintendence of the board of currency, until the final extinguishment of said bonds in principal and interest, and of all the liabilities of the State, or for debts due to it by such banks, the bank so consenting and agreeing shall retain all its other corporate powers and privileges, and shall moreover have the right to charge interest, at the rate of eight per cent. per annum on all loans having more than ninety days to run; Provided, however, that if at any time, the sinking fund established should be deemed insufficient to secure the State, the Governor, on the recommendation of the board of currency, may require that the same be increased to a sufficient amount, and in default of the said increase being made by any bank, the said bank shall go into liquidation in manner provided for by law. The legislature may enact that the affairs of the said bank shall be liquidated in a manner different from that above provided.

Banks in which the State is stockholder, how liquidated.

1842
252. 28

In case any one of the Banks against which a decree of forfeiture shall have been rendered as aforesaid, should not enter into the foregoing arrangements, then and in that case it shall be liquidated as follows, to wit: as soon as the Governor shall have ascertained that such decree has been rendered, it shall be his duty by and with the advice and consent of the Senate, to appoint six managers of such Bank; and if the Senate be in the recess, then the Governor shall make the appointment of said managers, who shall elect one among themselves as President, and by whom the affairs thereof shall thereafter be conducted in its corporate name, and under the direction of the board of currency; and it shall be the duty of the president and directors of such bank, who may be in office at the time such decree shall be rendered, to deliver up to the said managers all the property, effects, debts and assets of every description, and said managers shall be and are hereby, and until otherwise provided by the Legislature, invested with the same powers and duties, and subject to the same liabilities, penalties and restrictions provided by the respective charters of said banks; Provided, that at any time after said decree the stockholders of said bank shall cause to be returned and given up to the State all the bonds issued by the State in favor of, or on account of said bank, then and in that case the governor, after cancelling the bonds, shall, by proclamation, announce and declare, if requested by the stockholders, or a majority of them in number and amount, that they are re-invested with all their rights in said bank as they exist at the time, and the liquidation of said bank shall thereafter be conducted in the same manner as provided for in other cases; Provided, that in all stages of the proceedings the court shall, on application of the Attorney-General, if it deem it necessary to secure the interest of the State and of the stockholders, order the sequestration of the assets of said bank, or grant such other conservative process as may be deemed necessary, in the manner and form provided for by law.

59. It shall be lawful for the several banks of this State to purchase at judicial sales hereafter, or by compromise for stock loans already made, any shares of their own capital stock which may be pledged to them, provided such purchase be sustained by a vote of two-thirds of the whole board, and provided also, that the stock so purchased shall be deducted from the amount of capital stock, in the public statement to be made by the banks, or by the board of currency.

When the Attorney General institutes proceedings against any bank or banks, and shall deem it necessary to apply for a writ of sequestration or injunction, or other conservative order, the court may grant said orders or writs on the simple petition of the attorney general, without requiring any oath or security, provided the court before which the proceedings are pending shall be fully satisfied, that the issuing of said writ is necessary for the protection of the State, or the creditors of such bank; and the defendant or defendants in said suits shall not be authorized, or have the right to have said order or writs set aside by giving bond and security, as in ordinary cases; and said orders and writs

1842
252, 9.

1843.
63 3

1842
222, 15

shall continue and remain in full force until the final decision of the case; and the property sequestrated shall be placed in the possession of the board of currency, who shall be authorized, until a decree shall have been rendered, to preserve the property sequestrated, and do all conservative acts in relation thereto. And all civil actions brought by the attorney general against any bank under this law, shall be tried without the intervention of a jury, and shall have the preference to be tried before all other causes, both in the first instance and on the appeal.

INSOLVENT SUCCESSIONS.

1. Whenever a succession shall have been accepted under the benefit of an inventory, and neither the beneficiary heir or heirs, their attorney in fact, tutor or curator, will accept the administration and give the security required by law, and if, after fifteen days notice given by order of the judge, in the usual manner, no one presents himself to administer upon the said estate, on giving the security required, the said judge shall order a meeting of the creditors of such succession, to be held at the office of a notary public, for the purpose of electing syndics to administer the property of such succession. The same deliberations shall prevail in the choice of syndics in such cases, as in the choice of syndics to administer estates ceded by insolvent debtors, and the property of such succession shall be sold, disposed of, and administered according to the rules prescribed by law for the administration of estates so ceded, saving and reserving to the beneficiary heir or heirs, all their rights and claims as creditors of such succession, and their rights to any surplus which may remain after paying the debts of the succession; Provided, that nothing herein contained shall be so construed as to apply to successions not amounting to the sum of five hundred dollars, the summary settlement of which is provided for by the civil code.

Proceedings of
creditors in case of
insolvent succe-
ssions:

1820.

142; 7

2. In all cases where the heirs of any person deceased, shall have renounced his succession, it shall be the duty of the judge before whom the succession has been opened, to order a meeting of the creditors of such succession, to be held at the office of a notary public, for the purpose of determining upon what terms and conditions the property belonging to such succession shall be sold, and appointing syndics to administer the same. The proceedings relative to the property of a succession so renounced shall, in all respects, be conformable to those prescribed by this act, and the act of which this is a supplement, for the administration of property ceded by insolvent debtors.

Proceedings for
sale of property.

1820.

142; 8

3. In all cases of cessions of property by insolvent debtors, and in all cases of renunciations of successions by the heirs, if there shall remain a surplus after payment of all the debts, the same shall be paid over to the ceding debtor or debtors, their heirs, or assigns, or to the heirs who have made the renunciation, their heirs or assigns as the case may be.

How surplus dis-
posed of.

1820:

142. 9

4. In all cases where the property of a succession shall be administered by syndics, the judge before whom such successions shall be opened, shall order to be paid such reasonable sum of money as to him shall appear proper for the maintenance of the

Maintenance of
minor heirs.

1820:

144; 10

heirs, being children of the deceased, for one year, and until their claims against the succession shall be ascertained and paid.

5. The judge who may order a meeting of creditors may direct such meeting to be held in ten days from the time of making such order, provided, it shall be made to appear to the judge that the creditors residing in this State, but out of the parish, are duly represented in said parish.

When meeting
of creditors may be
held.

1826:
144; 11

1826:
144; 12

6. All the articles of the civil code which may be inconsistent with these provisions be and the same are so far repealed.

Accounts to be
rendered, when:

1837.
96; 6

7. All executors, administrators, curators of vacant successions and syndics, shall, at least once in every twelve months, render to the court a full, fair and perfect account of their administration, and on failure so to do, shall be dismissed from office, and pay ten per cent. per annum interest, on all sums for which he may be responsible, from the date of the expiration of the twelve months aforesaid.

Security to be
given:

1837:
97. 7

8. All executors, administrators curators and syndics shall continue in office until the estate shall be finally wound up, any law to the contrary notwithstanding; Provided that any creditor or person interested, shall have the right to require that such executor, administrator, or curator shall give new or additional security, for the faithful performance of his duties, as often as once in every twelve months, and oftener, if the court, on motion to that effect, may judge it necessary to the interest of the estate or the creditors so to do.

IMPRISONMENT FOR DEBT.

Imprisonment for
debt:

1840:
131; 2

1. To enable the creditor to arrest a debtor, it shall be necessary for the creditor, his agent or attorney, to swear that he verily believes that the said debtor is about to depart permanently from the State, without leaving in it sufficient property to satisfy his demand, and lastly, that he does not take this oath with the intention of vexing the defendant.

1840:
132; 4

2. No debtor shall hereafter be held in imprisonment under a writ of arrest, for a term exceeding three months, provided, that if the debtor resides within the State of Louisiana, he shall, at the expiration of such time, if so required by the complaining creditor, be ordered by the court to surrender his property to his creditors; which order shall be rendered on the petition of such creditor, setting forth the facts, and stating under oath, that he has reason to believe that such debtor is possessed of property, or assets, which may be made available to his creditors; and such debtor shall not be discharged from imprisonment until he shall have filed in the court, from which the order of arrest issued, a schedule of his affairs and surrendered his property to his creditors; that said schedule shall be made, and all the proceedings in such surrender shall be had and conducted in conformity with the provisions of the laws for the relief of insolvent debtors.

1847:
63; 1

3. No citizen of another State shall hereafter be arrested in this State, at the suit of a resident, or non-resident creditor, except in cases when it shall be made to appear by the oath of the creditor, that the debtor has absconded from his residence.

INSPECTION.

INSPECTION OF FLOUR IN NEW ORLEANS.

1. The governor of the State is authorized, by and with the advice and consent of the Senate, to appoint three Inspectors of Flour for the city of New Orleans and its suburbs. Inspectors how appointed.
1819.
50; 1
1834.
8; 1
2. No inspector or inspectors of flour shall purchase any flour, other than for his private use, under the penalty of four hundred dollars. Inspectors not to deal in flour.
1805.
402; 4
3. Each barrel of flour shall contain one hundred and ninety-six pounds of flour (English weight) and if intended for the first quality, shall be branded "Superfine," and on each barrel intended for the second quality, shall be branded "Fine," and on each barrel intended for the third quality, shall be branded "Middling;" but when any flour shall be found to correspond with the manufacturer's brand as superfine, or fine, the inspector shall brand "City of New Orleans." If the quality of the flour branded by the manufacturer as superfine, shall appear by inspection to be fine only, or when marked as fine, shall appear to be superfine, such inspector, in addition to the word "City of New Orleans," shall add fine or superfine, as the case may be. Qualities of flour defined.
1805.
402; 4
4. For the inspection of flour, the said inspector or inspectors shall be provided with an half-inch barrel auger, with which each barrel of flour shall be bored into, so as to satisfy himself or themselves of the quality of the flour, and if any flour shall be found on examination to contain a mixture of Indian Meal, or any other mixture, such person offering the same, shall forfeit and pay the sum of four dollars for every such barrel so mixed, and the flour shall be liable for the payment thereof. How flour shall be examined.
Penalty of fraud.
1805.
402; 5
1828.
44; 5
5. If any person or persons shall erase or alter any brand or mark of said inspector or inspectors, other than the original brand or mark made by said inspector or inspectors, every person so offending, shall forfeit and pay the sum of fifty dollars for every such offence, to be recovered in any court having cognizance thereof, one half to the use of the person prosecuting for the same, and the other half to be paid into the treasury of the State. Penalty for altering brands.
1805.
406; 8
6. All fines, penalties, or forfeitures as aforesaid not herein otherwise directed to be collected, shall be recoverable before any justice of the peace, or in any court having cognizance thereof, one half to the prosecutor, and the other half to be paid to the Treasurer of the city of New Orleans, for the use of the Hospital thereof. How fines shall be recovered.
1805.
406; 8
7. For every inspection, the inspector or inspectors shall be entitled to receive five cents for every barrel of flour. Fees of inspector.
1828.
122; 1

INSPECTION OF FLOUR, BEEF AND PORK IN LAFAYETTE

AND JEFFERSON.

1. It shall be the duty of the governor to appoint a suitable person to be flour, beef and pork inspector, in and for the city of Lafayette and parish of Jefferson. Inspector. how appointed.
1843.
97; 1
2. The said inspector shall be entitled to the same fees as are now allowed to the inspectors of flour, beef and pork in and for the city of New Orleans, and shall have the same rights, privileges and powers. Fees and privileges.
1843.
97; 2
1844.
28; 1

INSPECTION OF FLOUR IN WASHINGTON.

Inspector, how appointed, his duties and fees.

1844.
25; 1

1. Every two years, the governor, by and with the advice and consent of the Senate, shall appoint an inspector of flour, who shall also fulfil the duties of inspector of weights and measures, for the town of Washington, whose duties, compensation and penalties shall be the same as are now prescribed and allowed by the existing laws, regulating the same for the city of New Orleans.

INSPECTION OF FLOUR AND PORK IN ST. FRANCISVILLE.

Inspector how appointed.

1828,
44; 1

1. Every two years, the Governor, by and with the advice and consent of the Senate, shall appoint an inspector of flour, and pork for the town of St. Francisville, whose term of office shall be two years.

Quality of flour.

1828.
44; 4

2. Each barrel of flour shall contain one hundred and ninety six pounds of flour, and if it be of first quality, the barrel shall be branded "superfine;" if it be of the second quality, the brand shall be "fine;" and if it be of the third quality, it shall be branded "middlings." But when any flour shall be found to correspond with the manufacturer's brand, the inspector shall brand "inspected."

Quality of pork.

1828,
44; 0

3. Each barrel of pork, inspected by the inspector aforesaid, shall contain two hundred pounds of pork, and shall be branded "Mess," if it be of the first quality; and if it be of the second quality, it shall be branded "prime," as the case may be; and when any such pork shall be tainted, spoiled, or unfit for market, the same shall be condemned and destroyed, by order, and under the inspection of the inspector.

Penalty for erasing brands.

1828,
46; 7

4. If any person or persons shall alter or erase any brand or mark of said inspector, every person so offending shall forfeit and pay the sum of fifty dollars for every such offence.

Penalties, how recovered.

1828.
46; 10

5. All fines, penalties and forfeitures herein imposed shall be recoverable before any court having cognizance thereof, one half to the use of the person prosecuting for the same, and the other half to be paid to the treasurer of the town of St. Francisville, for the use of said town.

Oath of inspector.

1828.
46. 9

6. The inspector shall, before he enters upon the duties of his office, take and subscribe before any judge or justice of the peace, the oath of office required by law, and the said inspector shall have the right to appoint a deputy, who shall take the oath of office, and for whose acts the inspector himself shall be held responsible.

Fees of inspector

1828
44; 3

7. The fees of the said inspector shall be as follows, to wit: for every barrel of flour he shall inspect, he shall be entitled to demand and receive six and a quarter cents; and eight and three quarter cents for every barrel of pork; and he shall not demand or receive any higher fees than those herein allowed, under the penalty of fifty dollars for every such offence.

INSPECTORS OF BEEF AND PORK IN NEW-ORLEANS.

Inspectors, how appointed.

1820.
102, 2.

Inspector not to deal in beef or pork.

1820.
104, 11.

1. The Governor is required to appoint, by and with the advice and consent of the Senate, three Re-packers and Inspectors of beef and pork for the city of New-Orleans.

2. No inspector and re-packer of beef or pork shall buy or sell more than what shall be necessary for his own consumption.

3. Every inspector shall be entitled to demand and receive, for every barrel of pork or beef he shall inspect, re-pack and salt, thirty three cents and one third besides the price of the salt, saltpetre and other extra services.

Fees of Inspector:
1820.
100, 13.

4. Barrels shall be made of good seasoned oak, or ash, free from every defect, and every barrel shall contain two hundred pounds of beef or pork: the barrel not to measure more than eighteen inches across the head, and twenty-eight long, to be hooped with at least twelve good substantial hoops; the barrel to be branded on the bilge with at least the initials of the cooper's name, and the weight which is contained in each barrel, to be plainly branded on the barrel, with the first letter of the christian name and the surname, at full length, of the inspector.

Barrels, how made
1820.
104, 4.

5. The inspectors and re-packers shall carefully inspect all beef and pork, and shall not brand any but such as shall be well fattened; the best quality shall be denominated "mess pork" and shall consist of none but the sides of good fat hogs, and the barrels containing it shall be branded on one of the heads, "mess pork". The second quality shall be denominated "prime", of which there shall not be in a barrel more than three shoulders, the legs being cut off at the knee joint, and shall not contain more than twenty four pounds of head, which shall have the ears and snouts cut off at the opening of the jaws, and the brains and bloody gristle taken out, and the rest of the pork, to constitute a barrel of prime pork shall be made up of sides, necks and tail pieces, and on one head of every barrel of such pork shall be branded "prime pork". The third quality of pork shall be denominated "cargo pork", of which there shall not be in a barrel more than thirty pounds of head and fore shoulders, and shall otherwise be merchantable pork, and shall be branded, on one head of each barrel, "cargo pork."

Qualities of pork
1820.
104. 5.

6. Beef to be re-packed for exportation, shall be of fat cattle, and shall be cut in pieces as square as may be, and shall not exceed twelve nor be less than four pounds weight; and all beef which shall be fat and merchantable, shall be sorted and divided into three different classes, to be denominated "mess", "prime" and "cargo". Mess shall consist of the choicest pieces of large, well fattened beef, without hocks, shanks, clods or necks; each barrel to contain two hundred pounds of beef, and to be branded on one head "mess beef." Prime beef shall consist of the choicest pieces of fat cattle, with not more than one half neck, nor than two flanks, with the hocks cut off the hind legs in the smallest place above the joint, in a barrel, and branded "prime beef" on the head. Cargo beef shall be of fat cattle, with a proportion of good pieces, and not more than one half of necks, three flanks, with the hocks cut off in the same manner as in prime, in a barrel, and to be otherwise merchantable, and to be branded "cargo beef." The re-packers shall not put less than two pecks of coarse salt and six ounces of saltpetre in each barrel, and filled with pickle, as strong as salt can make it.

Qualities of beef
1820.
104. 6.

7. If any inspector shall be guilty of neglect or fraud, in complying with the above provisions, he shall be liable to a fine of

Penalties against
inspectors.

1820.
106. 7. fifty dollars, and moreover, shall be liable for damages to any person aggrieved.

Penalties for fraud in packing and erasing brands.
1820.
106. 8. 8. If any person shall intermix, take out, or shift any beef or pork, packed and branded, as above directed, or put in any other beef or pork for sale or exportation, or alter, change or deface any brand or mark of any inspector, said person shall, for every offence, pay a fine of forty dollars, and, moreover, shall be liable for damages to any person aggrieved.

Penalties, how recovered.
1830
148. 4 9. All the proceeds of property forfeited, and the penalties incurred by a breach of any law on the subject of the inspection of beef and pork, shall be recoverable before any court having cognizance thereof, one-half of which shall be for the benefit of the Asylum for Orphan Boys in the city of New Orleans, and the other half for the benefit of the person or persons prosecuting for the same, in the name of the State.

INSPECTION OF TOBACCO IN NEW ORLEANS AND LAFAYETTE.

Inspectors, how appointed.
1846
126. 1 1. The Governor, by and with the advice and consent of the Senate, shall appoint ten Inspectors of Tobacco, for the cities of New Orleans and Lafayette, to be denominated the "New Orleans and Lafayette Board of Tobacco Inspectors."

Their term of office, oath and security to be given.
1846
126. 2 2. The said Inspectors shall be appointed for the term of four years, shall take an oath faithfully to discharge the duties of the office, as prescribed by law, and shall give bond to the State for the sum of ten thousand dollars, (with two sureties for five thousand dollars, each good for the amount, to be approved by the Treasurer of the State,) for the faithful performance of their duties, while in office: and each person offering himself as security under this section, shall take an oath before some competent magistrate, that he is worth what he is surety for; and said sureties shall be liable on said bond, not only to the State, but to all persons who shall have suffered damage by the wrongful act or neglect, or inattention of said Inspectors.

3. No person shall be appointed an Inspector, who is not a citizen of the United States, and a citizen of the State of Louisiana.

Must be citizens.
1846
127. 3 4. It shall be the duty of said Inspectors to organize themselves as a Board, appointing one of their own number as President of the Board, and another as Secretary; seven members shall constitute a quorum. The Board of Inspectors shall have a common seal. In the absence of the President or Secretary, the Board shall name a President or Secretary, pro tempore. The President and Secretary shall be chosen yearly, and allowed each two hundred dollars per annum for their services. It shall be the duty of the President to call meetings of the Board, and preside over the deliberations of the same. It shall be the duty of the Secretary to record the proceedings of the Board, and in such manner as to show the votes of each member upon questions submitted to the Board.

Contracts of Board to be approved.
1846
127. 6 5. All contracts of the Board, hereinafter provided for, shall be submitted to the Board, and shall be approved by a majority of the whole number of Inspectors.

Power of Board to make by-laws. 6. The Board shall have authority to make rules and by-laws for the regulations of its own members in the discharge of their

duties; which by-laws shall not be inconsistent with the laws and constitution of this State and of the United States, nor with the provisions of this article.

1846
127. 7

7. It shall be the duty of the Board to provide suitable warehouses in said cities, two of which shall be located in Lafayette, for the storage of tobacco, at the lowest rates at which they can be obtained, which warehouses shall be fire proof and floored with planks two inches thick, and provided with a sufficient number of presses, and shall be located at such points in said cities as will be most convenient for the reception of tobacco, and for the convenience and interest of those engaged in the tobacco trade.

Board to provide
warehouses.
1846
127. 8

8 When tobacco is brought to the warehouse, it shall be received by the inspector or inspectors allotted to said warehouse, or their clerk, who shall immediately mark with ink the warehouse numbers, commencing with one, and running on to the end of the year, on each end of the cask. When called on by the owner or agent to inspect a lot of Tobacco, they shall cause the hogshead or cask to be placed at a convenient distance from the press, and under the eye of an inspector or their clerk, to cause one end of the cask to be taken out. The cask must then be headed upon the open end, and the whole cask taken from the tobacco and weighed. The weight of the cask being the tare, shall be marked on it with a marking iron. The inspector shall then have the tobacco broken in four different places, from each of which they shall draw four hands or bundles of tobacco, which they shall tie up neatly and compactly, the bundles from the top breaks forming the first layer of the sample. The inspector shall be careful that the sample shall be a fair representation of the quality of the whole hogshead of tobacco, as near as they can make it so. The tape or twine used in tying up the sample shall pass through the hands of tobacco, and a seal of wax shall be put on each sample. One end of the sample card, which expresses the quality of the tobacco, the warehouse number, inspection number, and initials of the inspector's names who have inspected it, shall be put under the seal of wax. When a hogshead of tobacco is damaged, if practicable, the damaged portion shall be cut off and held at the disposal of the owner or agent. The quantity so trimmed shall also be expressed on the sample card with ink. If the damage be to such an extent that it cannot be trimmed off, the inspectors shall refuse to classify said hogshead. They shall give a sample of it, expressing the probable extent of the damage, but without the inspection seal. If upon the inspection of a hogshead of tobacco, it be apparent that it is falsely or fraudulently packed, said hogshead shall be marked "condemned," and the inspectors shall refuse to give a sample of it. It shall then be at the disposal of the owner or agents, subject to the same charges as if it had been inspected. If the cask of a hogshead of tobacco shall prove to be of green or unsound timber, the inspector shall provide a suitable cask, at the expense of the owner or agent.

Process of ins-
pection.
1846.
127; 9

9. There shall be two classes of tobacco, to wit: "admitted" and "refused. The inspectors shall class, as "admitted," all tobacco they may find to be sound, well cured, and in good keeping con-

Classes of Tobac-
co.
1846.
128; 10

dition ; and they shall class as "refused," all such tobacco as they may find to be soft, high in case, or otherwise unsound.

Re-Inspection,
how made.

1846.
128; 11

10. When the inspectors are called upon to reinspect a lot of tobacco, they shall make a copy of the original sample card, and shall write upon it, in ink, "re-inspected," and shall give the date of the same.

How hogsheads
of tobacco are to be
prepared.

1846.
128; 12

11. When the inspection of one or more hogsheads of tobacco, is finished, the laborers of the warehouse, under the eye of an inspector, or their clerk, shall have the cask returned to the tobacco ; and the loose tobacco shall also be returned, and should it be impossible to put all in, it shall be held subject to the order of the owner ; after it is placed under the press, it shall be coopered up, in good condition for shipping, each cask having six hoops. The cask shall then be weighed by an inspector, or their clerk, and the gross weight be marked in ink over the tare weight. The gross weight, the tare, and the warehouse number shall also be marked with marking irons, by cutting with the same on the bilge of the hogshead or cask, and the cask then stored away.

Each day's in-
spection to be re-
corded.

1846.
128; 13

12. The particulars of each day's inspection shall be recorded in a book to be kept in each warehouse, for that purpose, in which shall be noted all the marks and numbers on the cask when received, the gross weight, tare, warehouse number, inspection number, by whom inspected, and for whose account.

Samples, how
given.

1846.
128; 14

13. The samples and a certificate corresponding with the record of inspection, shall then be issued to the owner or agent, and shall be a receipt for the tobacco. This certificate shall be transferable by endorsement or otherwise, which shall be evidence of its delivery, when the legal holder of the certificate shall call for the delivery of the tobacco, it shall be the duty of the Inspectors to have the hogshead promptly delivered at some opening of the warehouse which is accessible by a paved street.

Receipts to be
given.

Responsibility of
Inspectors.

1846.
128; 15

14. On receiving tobacco in the warehouse, the clerk of the Inspectors shall give temporary receipts to the owners or agents, acknowledging the receipt thereof, which they may require to be surrendered upon the issuance of their certificate of inspection, as hereinbefore provided. The Inspectors shall be liable for all tobacco stored with them, and shall be responsible to all persons interested in the same, for the correctness of their samples and weights. The Inspectors shall have recourse upon the particular Inspector or Inspectors, whose neglect or wrongful act has caused the damage.

Inspectors not to
deal in Tobacco.

1846.
129; 16

15. The Inspectors themselves, and the persons employed by them, are prohibited from dealing or trading in tobacco, either in their own names, or in the names of others, or in any manner whatever, or from being connected with, or having any interest in the business of other persons dealing in tobacco, or from putting up loose tobacco in bales or hogsheads, or from being interested in any manner in the warehouse rented by them for the storage of tobacco, as provided by law, or from owning or being interested in any of the laborers or coopers employed in the warehouses, or from having any interest in the drayage of tobacco, to and from the warehouses ; and upon conviction of the violation of any one of these prohibitions, the Inspector or other

persons so offending, shall be deprived of his office, and shall be subjected to a fine of not less than five hundred dollars, nor more than two thousand dollars, to be proceeded against by indictment or information in the proper courts of the State. And any Inspector, upon conviction or indictment, of giving wilfully a false or fraudulent inspection, or accepting a bribe in relation to the discharge of the duties of his office, shall be deprived of his office, and shall suffer imprisonment in the Penitentiary, not less than three months, nor more than two years.

16. All tobacco shall be inspected by two Inspectors in the presence of each other; and in case of disagreement between them, a third Inspector shall be called in, who shall decide upon its quality.

Two Inspectors
to be present at
each inspection.
1846.
129; 17

17. All tobacco brought to the City of New Orleans or of Lafayette, for sale, shall be inspected before it is sold, under the penalty of fifty dollars for every hogshead or cask, sold without inspection, to be recovered of the party violating this law, at the suit of any Inspector, one-half of which shall be paid to the State, and the other half to the Inspector suing. There shall also be a privilege upon the tobacco into whose soever hands it may be placed by the sale, for the above penalty. The suit to be prescribed against if not brought within twelve months from the time of sale; provided, that nothing herein contained shall be so construed as to require the inspection of tobacco in carrots, boxes, bales, stripped or stemmed tobacco, or tobacco stems in hogsheads, boxes or bales, or damaged tobacco sold by order of the Port Wardens, on the Levee, or of tobacco intended for reshipment without sale, unless at the request of the agent or owner of the same.

Tobacco to be
inspected before
sale.
Penalty.
1846.
129; 18

18. The Inspectors shall not inspect tobacco at any other warehouses than those provided, as contemplated by this law.

Tobacco to be in-
spected only at le-
gal warehouses.
1846.

19. The fees for receiving, weighing, inspecting, storing for two months, coopering, and all other duties imposed by this law upon the Inspectors, shall not exceed two dollars and fifty cents per hogshead, one-half of which shall be paid by the purchaser to the seller. For re-inspecting, re-weighing and coopering, the charge shall be seventy-five cents per hogshead. On tobacco remaining in store more than two months from date of receipt, they shall pay extra storage at the rate of seventy-five cents per month. On tobacco stored, on which there is no inspection, fifty cents per month. The owner or agent storing the tobacco, shall be bound for the fees, and there shall be privilege on the tobacco for them.

129; 19
Fees.
1846.
129; 20

20. The Board of Inspectors shall be allowed to employ two clerks for each warehouse, to hold their places at the pleasure of the Board; the first to receive out of the funds hereinafter provided, a salary not to exceed one thousand dollars per annum; the other not to exceed six hundred dollars. The Board shall also be allowed to employ a sufficient number of laborers and coopers for each warehouse.

Clerks, laborers,
and coopers may
be employed.
1846.
130; 21

21. Should any vacancy occur in the Board of Inspectors, by death, resignation, deprivation of office, or from any other cause, it shall be the duty of the Governor to appoint, as soon thereafter

Vacancies in
Board, how filled.
1846.
130; 22

as it may be deemed by him expedient, a competent successor, subject to the ratification of the Senate, as other civil appointments made by the Governor: and the Inspector so appointed shall in all respects conform to the requirements of this law. All appointments under this section shall be for the unexpired term of four years.

Treasurer of the
Board, how ap-
pointed.
1846.
130 - 23

22. The Governor, by and with the advice and consent of the Senate, shall appoint a competent person, who shall be a citizen of the United States and a citizen of the State of Louisiana, to act as Treasurer to the said Board of Inspectors. The salary of the Treasurer shall be two thousand five hundred dollars per annum. The said Treasurer shall take an oath, faithfully to discharge the duties of his office, and shall give bond, with two good sureties in the sum of ten thousand dollars each, for the faithful performance of the duties of his office, said bond to be approved by the Secretary of State, and each security to make oath that he is worth over and above all his debts, the amount for which he is security. In case of a vacancy in said office, the Governor shall supply the place with another officer, as soon as practicable, in the same manner pointed out for the appointment of inspectors, in case of vacancy.

Duties of Treasu-
rer.
1846
130. 24

23. It shall be the duty of the Treasurer to keep the books and accounts of all the monies received and disbursed; to collect all fees and provide for the safe keeping of them, to pay all expenses incurred, all bills of which to be approved by the Board of Inspectors. He shall, at the end of each month, pay to each Inspector (all other demands upon the treasury being satisfied) equal portions of any monies in his hands; Provided, that these payments do not exceed, to each Inspector, a salary of four thousand dollars per annum, at the close of each year, commencing on the first day of November, eighteen hundred and forty-six. Should there be any balances in his hands after paying the various clerks, laborers, rents of warehouses, and all other expenses of the inspection as provided by law, it shall be appropriated as follows: The surplus funds remaining in the hands of the Treasurer of the tobacco trade, shall at the end of each year be deposited by him in the hands of the Treasurer of the State, to the credit of the Treasurer of the State, to be held as a reserved fund for the benefit of the tobacco trade in this city, at the discretion of the Legislature of the State; said fund may be from time to time vested in the purchase of ground and the erection of buildings thereon for the storage of tobacco; the object being thereby to reduce the charges on tobacco brought to this market for sale, the State not to derive revenue from the receipts of such property, the Legislature having the power at their discretion to dispose of property so purchased and buildings erected, and re-investing for the same purposes the amount received, whenever it shall be desirable by the increase of the city and advanced value of such property. He shall furnish to the State Treasurer, monthly, abstracts of all monies received and disbursed by him, which shall be approved by the Board of Inspectors. The treasurer shall be prohibited from being interested in any manner whatever in the warehouses as provided by this law. For any wilful violation of the duties of his

office, the Treasurer may be proceeded against by information or indictment, and on conviction thereof, shall be deprived of his office, and fined not less than five hundred nor more than two thousand dollars. For any corrupt or fraudulent conduct in the discharge of the said office, or for any defalcation in the payment of the funds entrusted to the said Treasurer, upon conviction on indictment or information, the said Treasurer shall be imprisoned in the penitentiary, not less than three months nor more than five years. But nothing in this law shall be so construed as to exempt said Treasurer from liability in civil suits, for any damage or loss any parties may have sustained by the neglect or wrongful act of said Treasurer.

24. The books required to be kept by the Treasurer, the Board of Inspectors, and the clerks of the warehouses shall at all times be accessible for information by the executive officers of this State, and all persons interested in the examination thereof; and all entries shall be evidence against the Inspectors and officers keeping them, in civil or criminal cases.

Books required to be kept by the Board.
1846
131. 25

25. Nothing in this law shall be so construed as to authorize any charge upon the Treasury of this State, for any of the salaries or expenses provided by this law, the fees of inspection being the fund out of which they are to be paid.

Salaries and expenses not to be chargeable to the State.
1846
131. 26

26. In case either of the Inspectors shall be unable to attend to his duties, on account of sickness, he shall nominate a deputy to the Board, and if accepted by the majority of said Board, shall do and perform, for a time not longer than forty-five days, the duties of said principal Inspector, he being responsible for all the acts of said deputy, as fully as if he had performed said duties himself.

How and when Inspectors may appoint deputies.
1846
131. 28

27. From and after the first day of November, eighteen hundred and forty-eight, it shall be lawful for any owner, agent, consignee or receiver of produce, to sell or ship the same, without or with inspection, any law to the contrary notwithstanding; Provided, however, that the said owner, agent, consignee or receiver, shall be bound to have any produce offered for sale, inspected, when inspection shall be demanded by the purchaser; Provided, that said inspection when required, shall be made by the Inspectors commissioned under the authority of the State. This shall not apply to the inspection of tobacco until the expiration of the commissions held by the present tobacco Inspectors.

Inspection made voluntary, except as to tobacco.
1848
39. 1 and 2

INTEREST.

1. Article two thousand eight hundred and ninety-five of the Civil Code of Louisiana is so amended that the amount of conventional interest shall in no case exceed eight per cent, under pain of forfeiture of the entire interest so contracted.

Eight per cent conventional interest
1844.
15. 1

2. If any person hereafter shall pay on any contract entered into, a higher rate of interest than the above, as discount or otherwise, the same may be sued for and recovered within twelve months from the time of such payment.

If more paid, how recovered.
1844.
15. 2.

3. The rate of damages to be allowed and paid upon the usual protest for non-acceptance or for non-payment of bills of exchange drawn or negotiated within this State, shall in the fol-

Damages on bills of exchange.
1838.
44. 1.

lowing cases be as follows : on all bills of exchange drawn on and payable in foreign countries, ten dollars upon the hundred upon the principal sum specified in such bills ; on all bills of exchange drawn on and payable in any other State in the United States, five dollars upon the hundred upon the principal sum specified in such bills.

1818.
44, 2.

Such damages shall be in lieu of interest, charges of protest, and all other charges incurred previous to and at the time of giving notice of non-acceptance or non-payment, but the holder of such bill shall be entitled to demand and recover lawful interest upon the aggregate amount of the principal sum specified in such bill, and of the damages thereon from the time at which notice of protest for non-acceptance or non-payment shall have been given and payment of such principal shall have been demanded.

How estimated.
1838.
44, 3.

4. If the contents of such bill be expressed in the money of account of the United States, the amount of the principal and of the damages herein allowed for the non-acceptance or non-payment shall be ascertained and determined, without any reference to the rate of exchange existing between this State and the place on which such bill shall have been drawn at the time of the demand of payment or notice of non-acceptance or non-payment.

If bill expresses foreign coin, how estimated.
1838.
44, 4.

5. If the contents of such bill be expressed in the money of account or currency of any foreign country, then the principal as well as the damages payable thereon, shall be ascertained and determined by the rate of exchange, but whenever the value of such foreign coin is fixed by the laws of the United States then the value thus fixed shall prevail.

Loans on mortgage without endorsement ; what interest charged.
1820.
92, 1

6. Whenever money shall be loaned on mortgage without an endorsement for twelve months or more, and no interest is stipulated, if at the expiration of the time, the money shall not be returned, the creditor or creditors, besides the legal recourse they may have on the mortgage, shall be entitled to damages of ten per cent per annum, to run as interest from the time the money shall be due until final payment, and to be recovered on a judgment for the principal debt.

Banks loaning on mortgage without endorsement.
Rate of interest
1820.
92, 3.

7. The banks of this State, that shall loan money on simple mortgage, without endorsement, for a term not less than one year, shall be entitled to the same damages as are granted to such persons as loan their money in that way.

Interest to run from protest.
1821.
44, 2.

8. The bearers of the bills of exchange and promissory notes, subscribed and payable in this State, shall be entitled to an interest on the amount of the said bills or notes from the day they were regularly protested for non-payment.

Interest to be paid by tutors.
1825.
192, 1.

9. Instead of the highest conventional interest which tutors of minors are by the 341st article of the Civil Code of this State made liable to pay to their pupils on the funds which they may have failed to place at interest for their use, the said tutors will be accountable only for legal interest.

INTERNAL IMPROVEMENT.

1. A Fund shall be and the same is hereby created, to be de-

nominated, "The Fund for Internal Improvement," to be applied exclusively to the purpose of rendering navigable, and uniting by canals, the principal water courses, and of more intimately connecting by public highways, the different parts of the State.

Fund created.
1833.
36; 1

2. This fund shall consist of twenty thousand dollars to be annually drawn out of the duties collected on sales at auction.

What composed of
1833.
36. 2
Superintendent.
appointed.
1842.
42; 2

3. The superintendence and direction of the public works of Louisiana, shall be entrusted to an engineer skilled in the theory and practice of his profession, who shall be appointed annually by the Governor, by and with the advice and consent of the Senate; his compensation shall be fixed at three thousand five hundred dollars per annum, payable quarterly, on his warrant, by the Treasurer of the State.

4. Said engineer shall have full powers to appoint and remove at will, all officers necessary to carry on the public works; Provided that the salary of Superintendents shall not exceed twelve hundred dollars each per annum, and mates' four hundred and eighty dollars each per annum, which salaries may be reduced at the discretion of the engineer; and provided, that he shall not appoint more than three Superintendents and Mates; and provided, he shall not have the power to alter or change the order and completion of works now in progress by order of the board of public works, until they are completed: and provided, he shall not have the power to appoint any person or persons to make surveys, or in any other manner to increase the expenditure of the State in his department.

Powers of Engineer.
1842.
42; 3

5. In the appointment of a Secretary to keep the books and proceedings of his office, the engineer shall appoint an assistant-engineer, who shall be capable of making any surveys, plans and estimates which the engineer may entrust to his charge, and the salary of said Secretary shall be \$2,000 per annum.

Appointment of officers.
1842.
42; 4
1850.
86; 1

5. For the payment of all sums due, or moneys required for the works, the engineer shall draw his warrant, countersigned by the Governor or Secretary of State, upon the State Treasurer, which warrants will be held as vouchers by the Treasurer aforesaid, and shall be submitted at the same time at which he renders his annual account of the disbursements of the ordinary revenue, for the investigation of the committee appointed by the Legislature for that purpose.

Payments, how made.
1842.
42; 5

7. It shall be the duty of the engineer to report to the legislature at or near the commencement of every annual session thereof, the exact state of the fund for Internal Improvements, the progress and condition of the works, the surveys, plans and estimated expense of such new works as he may recommend to the patronage of the legislature, together with such other information as he may have in his power to collect in relation to the objects committed to his charge, and he shall submit, for the investigation of the Committee of the Legislature appointed for the purpose, his books and vouchers for expenditures.

Engineer to report to the Legislature.
1842.
42; 6

8. All the books, papers, maps, surveys, and everything appertaining to the administration of the public works under the former Board, and all the slaves, boats, and other property now in possession of said Board, shall be delivered over to the Engineer.

Papers &c. to be delivered to him
1842.
42; 7

Road and Levee
fund created,
1848
63 ; 1

9. The unexpended balance, together with all that may hereafter be received from the five per centum, of the net proceeds of the sale of the public lands of the United States in this State, appropriated by the fifth section of an act of Congress approved February sixteenth, eighteen hundred and eleven, for roads and levees, be, and the same is hereby, set apart for that purpose, to be called, "Road and Levee Fund;" to be expended hereafter for the sole purpose of making roads and levees; that any and all appropriations (heretofore made, or) that hereafter may be made, for roads and levees, shall be charged to said fund, and no other.

Internal
improvement
created.
1848
63 ; 2

Im-
fund

10. All that may hereafter be received from the proceeds of the public lands granted to the State by an act of Congress, approved September fourth, eighteen hundred and forty-one, shall be set apart as a special fund, to be called the "Internal Improvement Fund;" and the salaries of the State Engineer and assistant, also the salaries of the Superintendents, engineers and mates of the State boats, together with all expenses that may be incurred for the support of said boats, the hands and slaves; and for tools and apparatus, shall be charged to said "Internal Improvement Fund," except in the cases hereinafter stated; all other appropriations that have, or may be made for Internal Improvements, be also charged to the said Internal Improvement Fund, designating each specific appropriation.

State hands when
employed on Roads
and Levees, how
paid.
1848
63 ; 3

11. Whenever the State hands shall be employed in making or opening any road, or constructing any levee, all the expenses for the time being while therein employed, except the salaries of the State Engineer and assistant, shall be charged to the Road and Levee Fund.

Appropriation of
\$28,000 from inter-
nal improvement
fund
1848,
64 ; 8

12. The sum of twenty-eight thousand dollars be, and is hereby appropriated out of the Internal Improvement Fund, for the purpose of purchasing an additional number of slaves, to increase the State force, to be drawn in sums not exceeding ten thousand dollars at any one time, on the warrant of the Auditor of Public Accounts, on his being satisfied that the sum has been faithfully applied to the purpose aforesaid, and in order to make said investment, the Governor shall appoint two Commissioners, citizens of this State, who shall give bond with good and sufficient security, to be approved by the Auditor of Public Accounts, in the sum of six thousand dollars each, conditioned for the faithful performance of their duties, and the faithful investment, according to the provisions of this act, of such money as may be placed at their disposal; and after giving said bonds, the said Commissioners shall be fully authorized to contract for the purchase of the slaves aforesaid, and shall receive from the sum hereby appropriated such compensation as the Governor may fix, not exceeding two per cent. on the amount disbursed by them.

State divided in-
to four Internal Im-
provement dis-
tricts.
1848.
65 ; 12

13. The State of Louisiana be, and the same is hereby divided into four Internal Improvement Districts, as follows, to wit: all that part of the State of Louisiana lying east of the Mississippi river, shall compose the first district; the Ouachita and Blue river, and their tributaries, and all the country lying between said rivers and the Mississippi river, shall form the second district; the Red River and its tributaries, and the Sabine river and its

tributaries shall form the third district: the fourth district shall consist of all that part of the State west of the Mississippi river, and south of Red river.

14. So soon as the State Engineer shall have in his possession six boats, with the necessary machinery suitable for the public works, he shall send one boat with a sufficient number of hands to work it efficiently, into the first district; one boat with a sufficient force, into the second district; two boats with a sufficient force, into the third district; and two boats with a sufficient force, into the fourth district; and any part of the State force that may not be necessary to efficiently work the aforesaid six boats, shall be employed in making roads and levees, repairing materials, cleaning of the banks of streams, &c.

Division of labor
by Engineer.
1848.
65; 13

15. The State Engineer shall continue the State force as above divided, in their proper departments, until all the work therein ordered is completed; provided, however, that should the stage of water be such as to prevent the force from working efficiently in any district, the Engineer may remove such force to the nearest point where they can be most advantageously employed, being, however, obliged to return them to their proper department, as soon as the stage of the water will permit them to work to advantage.

Discretion of Engineer.
1848.
65; 14

16. There shall be created an office for the sale of the unlocated Public Lands of the State of Louisiana, donated to the State by Congress, for Internal Improvement, which office shall be administered by a Register, and by the Treasurer of the State as receiver of the Public Monies, for which the lands are sold, which office shall be so located at the seat of Government for the State of Louisiana.

Register appointed for sale of public lands.
1844.
61; 1

17. The Register of the Land Office shall be appointed by the Governor of the State of Louisiana, by and with the advice and consent of the Senate, and shall hold his office for the term of two years, unless removed in due course of law, when it shall be in the power of the Governor to discontinue the office, and his salary shall be the sum of two hundred and fifty dollars, and the Register and the Treasurer, whose salary shall be the same as the Register's, shall, in addition thereto, receive the same fees from the purchasers, and the same perquisites of office, as are now allowed to the Register and Receiver of Public Monies of the United States Government, in the State of Louisiana.

How appointed, and his salary.
1844.
62; 2

18. The Register shall take an oath before one competent to administer oaths, to support the Constitution and laws of the United States and the State of Louisiana, and to perform the duties of his office faithfully, and shall give good and efficient security to the satisfaction of the Governor of the State of Louisiana, in the sum of five thousand dollars, for the faithful discharge of the duties of his office.

Register to take oath.
1844.
62; 3

19. After the Register is appointed and sworn in, the Governor shall offer for sale, by proclamation of sixty days, all the lands belonging to the State of Louisiana, known as lands donated by Congress, either for Internal Improvements, or for seminaries of learning, said proclamation to be published in the State Gazette, in English and French, and in one paper published in each Sen-

Governor to make sale of lands.
1841.
62; 4

atorial District, and a sufficient number of handbills to be distributed in every parish of the State; and these lands shall be sold by the Register and Treasurer as Receiver of Public Monies, in the same manner, and under the same rules and proceedings as the lands belonging to the United States are sold; provided, the purchasers may pay for the same, in the warrants or debts now due by the State; and provided, the said lands shall not be sold for a less sum than three dollars per acre, that there be and is hereby appropriated the sum of not exceeding \$1,500, to be paid by the State Treasurer on the warrant of the Governor, to pay the expenses for publication, and the obtaining of necessary documents for the Land Office.

Register and
Treasurer to keep
accounts.

1844.

62. 5
Duties of Register
and Treasurer
on lands not located.

1844:

62. 7

20. It shall be the duty of the register and the treasurer, as receiver, to keep accounts of the sales of the lands belonging to internal improvements.

21. It shall be the duty of the register and the treasurer, as receiver of public monies, when the lands have not been located, to issue warrants for the lands donated by Congress, and not as yet located; Provided, they shall not be issued for less than eight nor more than six hundred and forty acres, which warrants shall be sold in the same manner as the lands located; Provided, they shall not be sold for less than three dollars per acre; and it shall be the duty of the Governor to issue patents for all the lands sold, that have been sold, and for the lands located by warrants, when contemplated to be sold by that act, whenever he shall be satisfied that the same have been properly located.

Pre-emption rights
created.

1847.

47. 1

22. Every white person, being the head of a family, or over twenty-one years of age, who has made, or shall hereafter make a settlement, in person, on the located lands belonging to the State of Louisiana, and granted to this State by the United States for the purposes of internal improvement, by an act of Congress, approved on the fourth day of September, eighteen hundred and forty-one, and who shall inhabit and improve the same, and who has erected, or shall erect a dwelling thereon, shall be, and is hereby authorized to enter with the register of the State Land Office, by legal subdivisions, any number of acres not exceeding one hundred and sixty, or a quarter-section of land, to include the residence of such claimant, upon paying to the State one dollar and twenty-five cents per acre; Provided, that no person shall be entitled to more than one pre-emption right, by virtue of this act.

Preference rights
created.

1847

47. 2

23. Every white person, being the head of a family, or over twenty-one years of age, who has made, or shall hereafter make a settlement, in person, on any lands in this State, belonging to the United States, liable at the time of making such settlement, or at the time of applying to purchase a warrant to locate upon it, to be located by this State, under the provision of the said act of Congress, and who shall inhabit and improve the same, and who has erected or shall erect a dwelling thereon, shall be, and is hereby authorized to purchase from the register and receiver of the land office of this State, a land warrant for three hundred and twenty acres, or two adjoining quarter-sections, or other legal subdivisions adjoining, not exceeding, in any case, three hundred and sixty acres of land, at one dollar and twenty-five cents per

acre, which warrant shall be issued by the said register and receiver, in favor of such settler for said land, specifying the lands applied for, and to be located, and embracing the improvements of such settler; Provided, that no person shall be entitled to more than one preference right to purchase and locate a warrant, by virtue of this act; and provided, further, that no person who has obtained a preference right to purchase and locate a warrant, shall be entitled to a pre-emption right, by virtue of this act; nor any person who owns more than one hundred acres of land within the limits of this State, at the time of applying for a preference to purchase a warrant under this act; Provided, that it shall be lawful for the register to sell a warrant for a less amount than a half-section, provided, that the land designated, shall adjoin a location heretofore made, or when several persons shall apply for a warrant, designating lands adjoining, amounting in the aggregate to one-half section.

24. When two or more persons shall have settled on the same quarter-section of land, the right of pre-emption, if the settlement be upon lands already located by the State, as aforesaid, or the right of preference to purchase and warrant, if the settlement be upon lands subject to be located for internal improvements, as provided by said act of Congress, shall be in him, or her who made the first settlement; Provided, such persons shall conform to the other provisions of law.

Privileges to first
settlers.
1847.
47.3

25. Before any person shall be allowed to enter such land, or obtain a warrant to locate upon his or her improvement, he or she shall make oath before the register and receiver of the said land office, that the settlement and improvement by virtue of which he or she claims a pre-emption, or right of preference to purchase a warrant to locate, as the case may be, have been made by him or her, that he or she has never had the right of pre-emption, nor the right of preference to purchase and locate a warrant under this act, nor hath he or she settled upon and improved said land to sell the same on speculation, but in good faith to appropriate it to his or her exclusive use and benefit, and that he or she resides upon the said land, that it is his or her only home, and that he or she does not own more than one hundred acres of land within the limits of the State; and shall make proof by two respectable and competent witnesses, of the improvement, residence and settlement required, and it shall be the duty of the register and receiver of the land office, or either of them, to administer the oath required by the law, to persons applying to make the entries, and to the witnesses, and to file the same in the land office; Provided, that such claimant and witnesses choose to make the oath and proof before the said register and receiver; and provided, further, that such oath and proof may be made before any justice of the peace, or clerk of the district courts of this State and shall always be filed in the office of the register of the land office.

Oath required.
1847.
48.4

26. The price of the said internal improvement land which has been located, and the location of which has been approved, shall be one dollar and twenty-five cents per acre; and the price of land warrants to locate upon the remaining portion of the lands

Price to be paid.
1847.
48.6

granted by said act of Congress, and which have not been located by the State, shall be one dollar and twenty-five cents per acre.

Governor to issue patents.
1847.
49. 7.

27. It shall be the duty of the Governor of the State to issue patents to purchasers on the payment of the purchase money in case of pre-emption or private entry of lands already located, and on the approval of the location in case of a purchase of a land warrant.

False swearing, penalty.
1847.
49. 8

28. If any person shall swear falsely in making the oath or proof required by this act, he, she, or they so swearing shall be deemed guilty of perjury.

Maison Rouge grant, how divided if it should be obtained by the State.
1847.
49. 9

29. If the location on the Maison Rouge Grant, made under special instructions from Governor Mouton, bearing date eighteen hundred and forty-five, shall hereafter be perfected, and the title to the same be declared to vest in the State, each and every individual entitled by laws of the United States to a right of pre-emption thereon, shall be entitled to the same pre-emption right under the State as they were at the date of such location entitled to under the laws of United States; and when any individual shall prove, to the satisfaction of the State register and receiver, that he is entitled to a pre-emption right under the laws of the United States, on the location aforesaid, it shall be the duty of the said receiver to allow such individual to purchase the same at the rate of one dollar and twenty-five cents per acre.

Rights of pre-emption.
1847.
49. 10

30. Any individual having, at the date of such location, a farm in cultivation on said Maison Rouge Grant, shall be entitled to a right of pre-emption of one hundred and sixty acres, embracing their settlements, at one dollar and twenty-five cents per acre, and shall have the further privilege of purchasing the remainder of the tracts, as purchased from D. W. Cox, at the minimum price of the State lands; and, on sufficient proof being made to the register of the State Land Office, entitling any person to purchase under this section to allow the same to be made as contemplated therein; Provided that this section shall not affect the right of any pre-emption allowed by the preceding section; and to prevent conflict between individuals on account of the lot lines, by which said sales were made to them by D. W. Cox, and the United State Surveys, the purchasers from the State (in such case) shall be made jointly by them according to the United States Surveys, and afterwards the land shall be divided between them according to said lot lines, by each paying *pro rata* for the amount of land received.

Baron de Bastrop's grant, how divided.
1847.
49. 11

31. The same privileges guaranteed to the claimants under the Maison Rouge Grant, shall be and they are hereby extended to claimants under the grant to Baron de Bastrop; Provided, that no person shall have the benefit of this act claiming the right of pre-emption who is settled on lands claimed by other persons under Spanish grants until the said lands are declared by law, to belong to the United States, or to the State of Louisiana.

Conditions on which lands are to be settled, or warrants purchased.

32. Whenever any person has settled, or shall settle and improve a tract of said land, and shall intend to purchase the same, or to purchase a warrant to locate the same, such person, if he or she shall have made such settlement and improvement before the passage of this law, shall, within six months after and if he or

she shall have made such settlement and improvement after the passage of this law, shall within three months after the date of such settlement, file with the register of the State Land Office a written statement, describing the land settled upon and which he or she claims by virtue of such settlement, and declaring the intention of such person to claim the same, and shall, when such settlement is already made within six months after the return of the survey of the township in which such lands may be situated, approved by the surveyor general of the United States, for the State of Louisiana, and when it shall hereafter be made within the same period after the date of such settlement, make oath, proof and payment herein required; and if he or she shall fail to make such oath, proof and payment, within six months aforesaid, the tract of land so settled and improved shall be subject to entry, or to be located upon by a warrant, as the case may be, by any other person, provided that when an individual has filed, under this act, his declaration of intention to claim the benefit of this law for one tract of land, it shall not be lawful for the same individual, at any future time, to file a second declaration for another tract.

33. The Governor shall be and he is hereby authorized, to contract with a competent and responsible person or persons, for the selection of the swamp and overflowed lands granted to this State by the act of Congress of second March, eighteen hundred and forty-nine, on such terms and with such conditions as he may deem proper; Provided, that the whole expense to the State of such selection, shall not exceed one cent per acre; or he may appoint an agent with the necessary assistants at a fair compensation to each, by the day, month or mile, as to him shall appear best for the interest of the State, and give the necessary instructions for the execution of the work; Provided, however, that the contractor, agent or assistants, shall be acceptable to the United States' surveyor general of this State, and shall enter into bonds, with approved security, both to the United States' surveyor general and to the Governor of the State, in such sums as may be required by the Governor and the surveyor general for the faithful execution of the trust reposed on them, and provided further, that no contract shall be made for the survey of any of said lands that can be selected and listed to the satisfaction of the proper department of the government of the United States, by the field notes on file in the surveyor's general office.

34. The Governor shall issue such instructions for the execution of this work as may appear to him just and proper under the law; and he may at any time make advances to the contractor, agent or assistant, employed in this service, not exceeding however one half of the amount of the contract; and to enable the Governor to carry this act into effect, the sum of twelve thousand dollars shall be, and the same is hereby appropriated out of any money in the treasury not otherwise appropriated.

35. For all lands granted to the State by the act of second March, eighteen hundred and forty nine, which have been sold since the passage of that act by the United States; and for all of said lands since appropriated in any manner by the General Government, the Governor shall apply to the General Govern-

1848.
6, 1, amending,
1847:
48, 5.

Governor authorized to contract for the selection of the swamps and overflowed lands granted to this State by the act of Congress second March 1849.
1850.
250. 1, 2 and 3.
Limitation of the expense.
Appointment of an agent and assistants.
Bonds to be furnished by them.

Instructions which the Governor may issue.
Advances which he may make.
Appropriation of \$12,000.

Application which the Governor is to make to the General Government in relation to certain lands granted to this State!

ment for the refunding of the money for which such lands were sold, and when such lands have been located or appropriated, for the value of those lands at one dollar and twenty-five cents per acre, and on such payment being made, the State will waive all claim to such lands, and the title from the United States shall vest the fee in the grantee and patentee.

Certain duties prescribed and certain powers given to the State Engineer
1850.
220. 1 and 2.

36. Hereafter when from any cause or causes the forces in any of the Internal Improvement Districts of this State cannot be advantageously employed on work in the order directed by law, then, and in that case, the State Engineer may direct the forces to be employed on other important works in such district until the cause or causes cease, and in the event that the State Engineer may, on examination, find that any work ordered by law be unimportant, useless or impracticable, then and in that case, such work or works may be suspended, and it shall be the duty of the State Engineer to report to the General Assembly at the next session thereafter, the causes and reasons for such change and suspension, and that he shall hereafter report to the Legislature at the commencement of each session the practicability and utility of the various works ordered and the order in which they should be performed.

Certain persons to be employed by him.

37. It shall be the duty of the State Engineer in the employment of superintendents of the State hands and boats, to employ persons actually interested in the improvements to be made, if persons having proper qualifications can be obtained, who shall always be liable to be removed at the discretion of the State Engineer.

Internal improvements, loan.
1850.
3, 1

38. The Auditor of Public Accounts and the State Treasurer be, and they are hereby authorized to use, should the condition of the State Treasury make it indispensably necessary, the moneys derived from the State sale of the internal improvement lands now in the treasury, to meet the current expenses of the government, or such appropriations as have been made or may be made by the Legislature; Provided, that such amount so used out of said fund be considered as a loan, and be returned out of any money to be received in the treasury in the year eighteen hundred and fifty.

JUDICIARY.

SUPREME COURT.

Supreme Court, when to hold their sittings.
1833-6, 1

1. The Judges of the Supreme Court shall hold their sitting in the same building that the District Courts do; Provided, suitable rooms shall be furnished free from any charge of rent against the State.

1813-32. 27

2. The Supreme Court may be adjourned by one of its judges, from day to day until a quorum be convened.

Recusation against Supreme Judge when allowed.
1825-138. 1

3. It shall not be deemed a sufficient cause of recusation against any Judge of the Supreme Court of this State, that he has been employed as counsel and attorney in the case, but the said Judge or Judges may, notwithstanding they have been employed or consulted as an attorney or counsellor, in any cause, proceed to the trial of the same.

4. Whenever a quorum of the Judges of the Supreme Court shall recuse themselves, from any cause whatever, the judgment

given by the court below, shall be provisionally executed by giving good and sufficient security in double the amount of the judgment therein given.

5. It shall be the duty of the Attorney General, and the District Attorneys of the districts in which the Supreme Court shall sit, to represent the State in the Supreme Court in all criminal cases coming before said court.

6. Upon the final decision of any criminal cause in the Supreme Court, it shall be the duty of the clerk of said court to transmit a certified copy of such decision to the court from which the appeal may have been taken, which copy shall, on motion, be filed, recorded and ordered to be executed by the lower court in the manner provided by law for civil cases.

7. The Supreme Court shall at every term thereof, proceed to the trial of criminal cases by preference over civil cases.

8. In cases of suits pending on appeal in the Supreme Court, in which a police jury or municipal corporation is plaintiff or defendant, it shall be the duty of the Supreme Court, if in session in the district wherein any such appeal is pending, on affidavit of the attorney representing such police jury or corporation, that the cause is one of serious public interest, and in which a speedy decision is desirable, to set such cause for hearing by preference for an early day.

9. Hereafter the fourth Monday in February in each and every year shall be taken as the legal day, to which all cases of appeal from the parishes of East Feliciana, West Feliciana, East Baton Rouge, St. Helena, Washington, Livingston and St. Tammany, shall be returned, and in all cases the judge of the court from which an appeal is taken, shall fix the return at the next ensuing term of the Supreme Court for the said parishes, if there shall be the legal delay and time enough to give the notice required by law and to prepare the records, but if there should not, then the judge shall fix the return for the following term.

10. On the said fourth Monday in February of each and every year, the Supreme Court shall take up by preference, and in their order, the appeals from said parishes and continue from day to day, until the same are disposed of.

11. The sessions of the Supreme Court shall commence at Opelousas, on the first Tuesday in September, and at Alexandria on the third Tuesday in September.

12. All appeals to the Supreme Court from the parishes of St. Mary and St. Martin, shall be made returnable at Opelousas, on the third Monday of August, in each and every year, any law to the contrary notwithstanding.

13. The second Monday in February in each and every year, shall be taken as the legal return day, of all appeals from the parishes of Carroll, Madison, Tensas and Concordia, to the Supreme Court of New Orleans; and it shall be the duty of the Supreme Court, on the second Monday of February, in each and every year, to take up and determine from day to day, in regular order, all appeals and costs returned from said parishes, and that in all cases the judge of the court for said parishes from which an appeal is taken, shall fix the return at the second Monday in Febru-

When decision of Inferior Court to be provisionally executed.

1825—140. 2

Attorney General and District Attorneys represent the State in criminal cases in Supreme court.

1846—102 4

Clerk of Supreme Court to send the judgments of Supreme Court to the District Court appealed from.

1846—102 5

Criminal cases to be tried by preference.

1846—103. 7

Suits in which police juries or municipal corporations are plaintiffs or defendants to be tried by preference, when of serious public interest.

1845—71. 1

Return day of appeal from said parishes, and trial of them.

1859—45. 1

Duty of the supreme court.

1850—45. 2

Sessions of supreme court at Opelousas and Alexandria.

1848—2. 1

Return day of appeal from St. Mary and St. Martin.

1847—139. 2

From Carroll, Madison, Tensas and Concordia and duty of supreme court thereon.

1846—105. 1

ary, ensuing the time of taking such appeal, if there shall be time enough after granting the appeal; but if there should not, then the judge shall fix the return for the following term.

14. All appeals from the parishes of Jackson, Union, Morehouse, Catahoula, Caldwell, Ouachita, Franklin, Claiborne, Bossier and Caddo, shall be made returnable at Monroe in the parish of Ouachita, at which place a term of the Supreme Court is hereby established.

Return day from Jackson, Union, Morehouse, Catahoula, Caldwell, Ouachita, Franklin, Claiborne, Bossier, and Caddo.

1846—106. 4

Duties of clerk of court at Monroe.

1846—106, 7

15. There shall be appointed a clerk for the court to be holden at Monroe, whose duties, powers, fees, emoluments and responsibilities in all cases that may be transferred, or returned to, or presented in the Supreme court at Monroe shall be similar to those of the clerk of the Supreme Court at Alexandria.

Duty of clerk to adjourn court.

1846—107. 10

16. It shall be the duty of the clerk of the Supreme Court at Monroe, in case neither of the judges of said court should appear at the court house at Monroe, on the first Monday in October, to adjourn said court from day to day, until one or more of the judges arrive, or for the space of ten days.

1846—109. 9

17. The sessions of the Supreme Court at Opelousas, shall commence on the third Monday of August; at Alexandria on the second Monday of September, and at Monroe, on the first Monday of October, in each and every year.

DIVISION OF THE STATE INTO JUDICIAL DISTRICTS.

18. The State shall be divided into seventeen Judicial Districts,

State divided into 17 districts.

1846—45, 1

- to wit:
- 1st. District—The parish and city of New Orleans shall compose and be called the First District.
 - 2nd “ The parishes of St. Bernard and Plaquemine, shall compose and be called the Second District.
 - 3rd “ The parish of Jefferson, shall compose and be called the Third District.
 - 4th “ The parishes of St. Charles, St. John the Baptist, St. James and Ascension, shall compose and be called the Fourth District.
 - 5th “ The parishes of Assumption, Lafourche Interior and Terreborne, shall compose and be called the Fifth District.
 - 6th “ The parishes of East and West Baton Rouge, and Iberville shall compose and be called the Sixth District.
 - 7th “ The parishes of East and West Feliciana, shall compose and be called the Seventh District.
 - 8th “ The parishes of St. Tammany, Washington, St. Helena and Livingston, shall compose and be called the Eighth District.
 - 9th “ The parishes of Point Coupee and Concordia, shall compose and be called the Ninth District.
 - 10th “ The parishes of Tensas, Madison, and Carroll, shall compose and be called the Tenth District.
 - 11th “ The parishes of Catahoula, Franklin and Caldwell, shall compose and be called the Eleventh District.

- 12th District The parishes of Ouachita, Union, Morehouse, and Jackson, shall compose and be called the Twelfth District.
- 13th " The parishes of Rapides and Avoyelles, shall compose and be called the Thirteenth District.
- 14th " The parishes of St. Mary, St. Martin and Vermilion, shall compose and be called the Fourteenth District.
- 15th " The parishes of Lafayette, St. Landry and Calcasieu, shall compose and be called the Fifteenth District.
- 16th " The parishes of Natchitoches, Sabine and De Soto, shall compose and be called the Sixteenth District.
- 17th " The parishes of Caddo, Bossier and Claiborne, shall compose and be called the Seventeenth District.

19. It shall be the duty of the Governor to nominate the several Judges, after the first nominations shall be made at the session of General Assembly, preceding the period when the term of service of any of the Judges may expire.

When Governor shall nominate judges of districts.
1846—61. 1

DISTRICT COURTS.

20. The several District Courts of this State shall have jurisdiction of all suits for the partition or sale of any property lying within the limits of the district where the suit is brought, and held in common between several part owners, or in which several persons may have an interest, or for setting aside and vacating any bond of conveyance or other instrument, concerning lands situated within the limits of such District, or for the dissolution of any partnership and settlement of a partnership account, the when object of all the partnership is a business carried on within the District where the suit is brought, notwithstanding any or all of the parties to be made defendants, be minors, or persons residing without the limits of this State.

Jurisdiction over parties by district courts in case of partitions or sales of property, held in common.
1825.
122; 3

21. The court, before which any such suit, as is specified in the foregoing section, shall be brought, shall be, and the same is hereby authorized upon the petition of the plaintiff or plaintiffs, to appoint a Curator *ad hoc* for such defendants as may be minors or absent persons, and the person so appointed shall appear and defend the suit for such defendants.

Courts in such cases authorized to appoint curators *ad hoc*.
1825.
122; 4

22. The judges of the several district courts in this State are hereby authorized to hold adjourned, or special, or called terms of their respective courts whenever, on account of sickness, accumulation of business or other cause, they may see fit, and at said adjourned, or special, or called terms, all business, civil and criminal may be transacted, and all causes tried, as if the term were a regular term of said courts, and they shall order the sheriffs to summon a jury to attend said court, should a jury be deemed necessary.

Judges authorized to hold adjourned or special terms.
1848.
80; 1

23. Whensoever it shall become necessary, as specified above, for a special, adjourned, or called session of any district court to be held, the judge thereof shall, at least thirty days before the commencement of said session, notify the sheriff to make public

Called session how notified.
1848.
80; 2

the same, by advertising three times in a newspaper, if there be one published in the parish; and if there be no newspaper published in the parish, then the sheriff shall give notice of the holding of said court, by posting up advertisements in at least four different places in the parish, selected as the best situated to make the same most generally known.

Evidence of judges how taken.
1828.
152; 6

24. In every case now pending, or which may hereafter be instituted in any of the courts of this State, which are, by law, provided with clerks, in which the judge of said court may be a material witness, the clerk of said court shall administer the oath to said judge, and shall take down his evidence in writing, if required by either party in the cause, and in such courts as may not be provided with clerks, it shall be lawful for any officer authorized by law to administer oaths, to administer the oath to, and take down the evidence of the said judge in writing, and the said clerk, or other officer shall certify and sign said evidence, and the same shall be filed and used as evidence in the cause; Provided however, that the above formalities may be dispensed with, by consent of the parties, in all cases, and the evidence of said judge taken in any other manner, and form that may be agreed upon by the parties.

When judge is interested, how referred to judge of adjoining district.
1846.
113; 1
1822;
84; 1
1824.
8; 1

25. Whenever the judge of any court in this State is interested, or has acted as counsel or attorney in any cases instituted or which may be instituted, in courts of the district for which such judge may have been appointed, or is related to either of the parties, by consanguinity in the direct ascending or descending line, or collaterally to the fourth degree inclusive, or is disqualified in any other way by law, and is recused by either of the parties, or recuses himself, it shall be the duty of the said judge to refer the said case or cases to the judge of an adjoining district; and thereupon, it shall be the duty of the clerk of the court to notify the judge of the adjoining district, that such case or cases have been referred to him for trial, and it shall be the duty of the judge to whom such case or cases shall have been referred, to repair to the parish where such case or cases are pending, and to hold a special court for the trial of the same, and it shall be the duty of said judge to order a special jury to be drawn for the trial of such case or cases, if necessary; provided, this act shall not apply to the parish of Orleans.

When judges cannot be challenged for interest.
1825.
24; 1

26. In all the civil and criminal causes in which the State, the parishes, or the politic or religious incorporations, except the banks and other monied institutions, are interested, it shall not be a sufficient cause to challenge the judge, or justice of the peace, who has cognizance of the cases, nor the sheriff, or other executive officer, or any of the jurors, who are called to serve in the cause, to allege that they are citizens or inhabitants of the State, or of the said parishes, or members of the said politic or religious incorporations, or that they pay any State, parish or city tax.

Court first seized of jurisdiction in cases of privilege or mortgage to have

27. Whenever a conflict of privileges arises between different creditors, all the suits and claims shall be transferred to the court, by whose mandate the property on which the privilege or right of mortgage is to be exercised, was first seized, either on

mesne process, or on definitive execution; and said court shall proceed to class said privileges and rights of mortgage according to their rank and dignity, in a summary manner, after notifying all parties interested; provided, if the seizure should have been made by an order of writ from the justice's court, and the privileged and mortgaged claims sought to be enforced on said property, are for an amount exceeding the jurisdiction of said court, then and in that case, the proceedings shall be transferred to the district court; and said court shall proceed to the classification of the privileges and rights of mortgage as before stated; in all cases when a classification of privileges is to be made, the funds to be distributed shall be deposited in the court in which the rank of privileges is to be settled.

28. There shall be appointed for each judicial district in the State, except the first, one judge, learned in the law, who shall receive a salary of twenty-five hundred dollars per annum, payable quarterly, on his own warrant, out of any funds in the Treasury not otherwise appropriated.

29. There shall be four terms of court held in each parish, in every year, at such periods as shall be fixed by law, but juries shall be summoned at only two of such terms; and there shall be kept two civil dockets, one of the cases relating to Successions and Probate business, and the other of all other civil cases; and at the terms of court, to which no juries shall be summoned, the docket of succession and probate business shall be taken up by preference.

30. In case the judge should not appear on the first day of any term, the sheriff, or in the event of sickness, death, resignation, absence, inability, or failure to act, the coroner shall adjourn the court from day to day for not more than three days.

31. There shall be in each parish, a clerk of the district court, whose duties and powers shall be determined by law.

32. Each court shall have a seal corresponding in its device with the seal of the State, and each Judge shall make rules for the regulation of the practice of his Court, which rules shall be hung up in the Court-room.

33. It shall not be lawful for the Judge of any District Court, to leave the State for such a space of time as to prevent him from holding his Courts at the times and during the periods prescribed by law, and if he be absent from any term of court, unless prevented by some cause of sickness of himself or his family, or by any other unavoidable and specified cause, of any of which his own affidavit shall be full proof, a certificate of the absence of said Judge, from the Clerk of the Parish, shall authorize the State Treasurer to deduct two hundred and fifty dollars from the salary of the Judge.

34. The several District Judges shall have authority to grant at chambers, any, and all orders which the present District and Parish, and Probate Judges may grant at chambers, and whenever any District Judge shall be absent from his district, the Judge of any adjoining district shall have the power, and it shall be his duty to grant all orders which the absent Judge might grant himself.

Jurisdiction; exception.
1841.
16; 11

Judge appointed for each district except the parish of Orleans.
1846.
99; 1

Terms of court. Juries to how many terms summoned.
1846.
99; 2

Sheriff when to adjourn court and how long.
1846.
100; 3

In each parish, to be a clerk of district court.
1846.
100; 4

Court to have seal. Judge to make rules.
1846.
100; 5

Judge of District Court not to leave the State—penalty for absence.
1846.
100; 6

Judge may grant orders at chambers.
1846.
100; 7

Appeals on verdicts punishing with death or hard labor.

1846
100 ; 8

Duty of the clerk of the court in such appeals,

1846.
100. 9

In case of appeal in criminal cases, sheriff to detain prisoner.

1846
100. 10

Appeals from justices courts tried de novo.

1846
100 ; 11

When clerk is removed Judge to appoint clerk pro tem.

1846.
101 ; 12

Clerks at request of either party, to deliver to recorder of mortgages copies of judgment.

1846.
101 ; 13

Clerks to keep their offices open.

1846
101 ; 16

Terms of District courts.

1848
7 ; 1

1846.
56. 1

35. If final judgment has been rendered upon any indictment where the punishment of death or imprisonment at hard labor may be inflicted, or where a fine exceeding three hundred dollars is actually imposed, an appeal may be taken on behalf of the accused, from such judgment, returnable to the Supreme Court as in civil cases, but no appeal bond shall be required.

36. On the granting of an appeal in criminal cases the Clerk of the Court shall proceed to make out a transcript of the record, as in civil cases, and shall cause the same to be filed in the office of the Clerk of the Supreme Court, on or before the return day of said appeal; but the said Clerk of the Supreme Court shall require no security for costs.

37. It shall be the duty of the Clerk of the Court, which has so granted an appeal, in any criminal case, to give notice thereof, forthwith, to the Sheriff having the custody of the defendant, in the indictment, by delivering a copy of the order of appeal to said Sheriff, who shall, thereupon, keep said defendant in his custody in jail, if such bail bond as required and approved by the Court, if the case be bailable, be not offered by him, or on his bail bond, if such bond be offered, without executing the sentence which may have been passed, unless he waives his appeal; and he shall detain said defendant to abide such judgment as may be rendered by the Supreme Court upon the appeal.

38. All appeals from Justices Court shall be tried *de novo*.

39. When the Clerk is removed by the Judge for cause sufficient, the Judge shall appoint a Clerk for the time, to serve until the former clerk is re-instated or a new Clerk elected or appointed.

40. It shall be the duty of the Clerks of the several District Courts, at the request of either party, to deliver to the officer vested with the power of recording mortgages in their respective parishes, copies of all decrees, judgments or orders by which mortgages of any kind, whether special, tacit, or other, may be created on property; but the copy and costs of recording shall be paid for by the party applying for the same.

41. The Clerks of the District Court shall keep their offices open every day, Sunday and Holydays excepted, from ten o'clock, A. M. to 12 o'clock, M., and from 3 o'clock, P. M. to 4 o'clock, P. M.

TERMS OF DISTRICT COURTS.

42. The terms of the District Courts shall be holden in each and every year, in the several Parishes of the State, the Parish of Orleans excepted, as follows:

SECOND DISTRICT.—The jury terms in the Parish of St Bernard, on the first Mondays in June and January, and the other terms on the first Mondays in March and October.

The jury terms in the Parish of Plaquemine on the third Mondays in June and January, and the other terms on the third Mondays in March and October.

THIRD DISTRICT.—In the Parish of Jefferson from the first Monday in November, till the fourth day in July; and for Criminal and Probate causes, and for granting interlocutory orders, the Court shall remain open all the year.

FOURTH DISTRICT.—Three terms of the District Court shall be holden annually in the several parishes, constituting the fourth judicial district of the State, as follows, to wit :

Parish of Ascension.—The jury terms in the Parish of Ascension, shall be held on the fourth Monday of January and second Monday of September, and the other term on the second Monday of April. Parish of Ascension.
1850
45. 1

Parish of St. James.—The jury terms in the Parish of St. James, shall be held on the second Monday of February and fourth Monday of August, and the other term on the third Monday of April. Parish of St. James.

Parish of St. John the Baptist.—The jury terms in the Parish of St. John the Baptist, shall be held on the fourth Monday of February and second Monday of August, and the other term on the fourth Monday of April. Parish of St. John the Baptist.

Parish of St. Charles.—The jury term in the Parish of St. Charles, shall be held on the second Monday of March and the first Monday of August, and the other term on the first Monday of May. Parish of St. Charles.

FIFTH DISTRICT.—Only three terms of Court shall be annually holden in the several parishes constituting the Fifth Judicial District, as follows, to wit :

The jury terms of the Parish of Assumption, on the third Monday in March, and the first Monday in September, and the other term, on the third Monday of May.

The jury terms in the Parish of Lafourche Interior, on the first Monday of April, and third Monday of September, and the other term, on the fourth Monday of May.

The jury terms in the Parish of Terrebonne, on the third Monday of April, and first Monday of October, and the other term, on the first Monday of June. 1847
131, 2

SIXTH DISTRICT.—The jury terms in the Parish of East Baton Rouge, on the second Mondays in April and October, and the other term, on the first Mondays in July and January.

The jury terms in the Parish of West Baton Rouge, on the fourth Mondays in March and September, and the other terms, on the third Mondays in June and December.

The jury terms in the Parish of Iberville, on the first Mondays in March and September, and the other terms, on the first Mondays in June and December. 1846
56. 1

SEVENTH DISTRICT.—The jury terms in the Parish of West Feliciana, on the first Mondays in June and December, and the other terms, on the first Mondays in March and September. 1846
56. 1

The jury terms in the Parish of East Feliciana, shall be held hereafter, on the first Mondays of April and November, and the other terms, on the third Mondays of January and July. 1847
32. 2

EIGHTH DISTRICT.—The jury terms in the Parish of Livingston, shall be held on the first Mondays of May and October, and the other terms, on the first Mondays of June and January.

The jury terms in the Parish of St. Helena, shall be held on the fourth Mondays of May and October, and the other terms, on the second Mondays of June and January.

The jury terms in the Parish of Washington, shall be held on the third Mondays of May and October, and the other terms, on the third Mondays of June and January.

1847
33. 1 The jury terms in the Parish of St. Tammany, on the second Mondays of May and October, and the other terms, on the fourth Mondays of June and January.

1850
89. 1 NINTH DISTRICT.—The terms of the District Court, in and for the Parish of Pointe Coupee, shall be held, the jury terms, on the third Mondays of March and September, and the Probate terms, on the first Mondays of June and December.

The terms of the District Courts, in and for the parish of Concordia, shall be held on the first Mondays of May and November, of each and every year.

1848.
7, 1. TENTH DISTRICT.—The courts of the Tenth Judicial District, shall be held as follows, to wit: in the parish of Tensas, on the third Monday in March, and the first Monday in October of each year; in the parish of Madison, on the second Monday in April, and the fourth Monday in October of each year; in the parish of Carroll on the second Monday in May, and the fourth Monday in November of each year.

1847.
29, 2.

New terms of said courts in said district.

1850.
28.

ELEVENTH DISTRICT.—The judge of the Eleventh Judicial district of the State, shall not hereafter be required to hold more than two terms of court annually in each of the parishes composing said district, except in the parish of Caldwell, which terms shall be jury terms.

Said terms shall commence as follows, viz: In the parish of Caldwell on the fourth Mondays of April and October; in the parish of Franklin on the third Mondays of May and November; and in the parish of Catahoula on the first Mondays of June and December.

1847.
215, 1. TWELFTH DISTRICT.—The Judge of the Twelfth Judicial District of the State, shall not be required to hold more than two terms of court a year, in each parish composing said district, except in cases hereinafter provided.

1847.
215, 2. Said courts shall commence upon the following days, viz: in the parish of Jackson, on the third Mondays of March and October; in the parish of Union, on the first Mondays of April and November; in the parish of Morehouse, on the third Mondays of April and November; in the parish of Ouachita, on the first Mondays of May and December.

1847.
215, 3. At said terms of Courts, cases in which juries are required, shall have the preference to be tried first, and should the time allowed not be sufficient to try all the cases ready for trial at any one of said courts, it shall be the duty of the judge, on the request of either party to such cause or causes, to hold a special term for the trial thereof, to commence upon a day anterior to the next regular term of such Court, which day shall be fixed and entered upon the minutes of the court, before adjourning the term.

1850.
8. 1. THIRTEENTH DISTRICT.—The jury terms in the parish of Rapides, shall be held on the second Monday of November and the first Monday in May and the other term on the first Monday of January in each year.

The jury terms of the parish of Avoyelles shall be held on the first monday of October, and the second Monday in April, and the other terms on the first Mondays in June and December of each year.

FOURTEENTH DISTRICT.—The terms of the District Courts in the parishes of St. Mary, St. Martin and Vermillion, comprising the Fourteenth Judicial district of this State, shall be held as follows, to wit: in the parish of St. Mary, there shall be held a jury term on the second Monday in January, and one term, on the first Monday in June; in the parish of St. Martin, there shall be a jury term on the second Monday of March, and one term, on the fourth Monday in September; in the parish of Vermillion, there shall be a jury term on the first Monday in May and one term on the first Monday in November.

Ex. S.—1848—47, 1
1850.
35, 1.

At the second term of court in each parish, probate business shall have the preference.

Neither of the terms of said Court shall exceed one month.

Ex. S.—1848—48, 3

FIFTEENTH DISTRICT.—The jury terms in the parish of Lafayette, shall be held on the third Monday in April, and the fourth Monday in October, and the other term, on the third Monday in July.

1847.
138, 2.

The terms of the District Court, in and for the parish of St. Landry, shall be held hereafter as follows, viz: the jury terms, on the second Mondays in May and November, and the other term, on the first Monday in August.

1847.
157, 1.

The terms of the District Court, in and for the parish of Calcasieu, shall be holden on the third Mondays of March and September of each and every year.

1848.
89, 1.

SIXTEENTH DISTRICT.—The jury terms of the District Court in the parish of Natchitoches, shall be held on the first Mondays of June and December of each year, and the other terms, on the first Mondays of March and September of each year.

1848.
43, 1.

The jury term of the parish of De Soto, shall be held on the third Mondays in May and November, and the other terms, on the third Mondays in February and August.

The jury terms in the parish of Sabine, shall be held on the fourth Mondays in May and November, and the other terms, on the third Mondays in February and August.

1846.
53, 1.

SEVENTEENTH DISTRICT.—The jury terms in the parish of Caddo, shall be held as follows: the jury terms on the third Mondays of April and October, and the other terms on the first Mondays of February and August in each and every year.

1850.
43, 1.

The jury terms in the parish of Bossier, shall be held on the third Mondays in May and November, and the other terms on the third Mondays in February and August.

The jury terms in the parish of Claiborne, shall be held on the fourth Mondays in May and November, and the other terms, on the fourth Mondays in February and August.

1846.
58, 1.

43. At the terms in the Sixth, Seventh and Eighth Judicial Districts of the State of Louisiana, at which juries are by law required to be summoned, it shall be the duty of the several judges of said districts to preside and interchange in all the said districts, successively; Provided, that this interchange shall continue so

Terms of 6th, 7th and 8th districts. Duties of the several judges of the said districts, to interchange for how long.

1847.
209, 1. long as it shall be necessary to try the recused cases in each of the above districts, which recused cases shall be tried by preference.

Judges of 16th and 17th District Courts to interchange until 1852.
1850
92. 44. The next jury term of the District Courts in the Sixteenth Judicial District, shall be holden by the judge of the Seventeenth Judicial District; and the next jury term in the Seventeenth Judicial District, by the judge of the Sixteenth Judicial District; and thereafter, the judges of the said two districts shall hold the jury terms of their Courts interchangeably.

1848.
126, 1. 45. From and after the first day of May the Seventh and Eighth judicial districts of this State, shall constitute a judicial circuit; and the presiding judges thereof shall interchange in all the parishes of said Districts, so that neither of the said judges shall preside over the same court for two consecutive terms.

1847.
198, 1. 46. Whenever the Judge of the Third Judicial District shall be recused, or shall recuse himself, for any of the causes provided for by law, in any suit, or proceeding in the said District Court, it shall be the duty of said judge to refer said suit or proceeding to any one of the judges of the District Courts of New Orleans, and thereupon, it shall be the duty of the clerk of said court to notify in writing the judge to whom such suit or proceeding may be referred, of the day fixed for the trial thereof and it shall be the duty of the judge so notified to repair to the seat of justice of the said district, and try the same.

1848.
91, 1. 47. The salary of the District Attorney of the third judicial district is hereby increased to eight hundred dollars, payable quarterly, on the warrant of the Auditor of Public Accounts, out of any money in the treasury not otherwise appropriated.

1847.
225, 1. 48. The District Attorney of the Thirteenth Judicial District is hereby authorized and required to enter a *nolle prosequi* upon all indictments now pending in the District Court in and for the Parish of Rapides against persons charged with transporting mortgaged slaves out of the State, provided that the persons so charged by said indictments shall bring back to said Parish all the mortgaged slaves which have been by them transported out of the State, and shall give to their creditors the same rights which they had upon said mortgaged slaves before they were so transported out of the State, or shall procure from their creditors holding special mortgages upon said slaves, their consent in writing, to the dismissal of said prosecutions, which written consent shall be delivered to the District Attorney, who shall have the same filed, and therefore enter a *nolle prosequi* as to all the parties charged in the indictment.

DISTRICT COURTS IN THE PARISH AND CITY OF NEW ORLEANS.

Five District Courts established in New Orleans;
1846.
32, 1. 49. There shall be Five District Courts in the parish and city of New Orleans, which shall be designated as follows:

- First District Court of New Orleans;
- Second District Court of New Orleans;
- Third District Court of New Orleans;
- Fourth District Court of New Orleans;
- Fifth District Court of New Orleans.

50. For each of said Courts, one Judge shall be appointed,

whose salary is hereby fixed at three thousand five hundred dollars a year, payable quarterly on the warrant of said Judge.

51. Said Courts shall be opened from the first week of November to the fourth day of July; provided, that for criminal and probate causes, and for granting interlocutory orders, they shall remain open all the year.

52. Whenever the Judge of any of these Courts, shall be interested in any case brought in the Court over which he presides or shall be related in the fourth degree to either of the parties, or shall excuse himself for any of the causes provided by law, or shall otherwise be incapable of, or disqualified from trying such cases, it shall be the duty of one of the Judges of one of the other District Courts to preside in the interim, in the place of said Judge, and to proceed in such case as if it had been brought before him; and to discharge each and all the duties which the Judge of such Court would have to discharge if present.

53. The Judges of said Courts shall have the right, and are hereby directed, to establish such uniform rules as may be necessary to expedite business therein, and to issue all orders which may be proper and requisite for the exercise of their respective jurisdiction. But the rules must be established by a majority of the Judges.

54. The Attorney General or District Attorney, shall file all informations in the First District Court of New Orleans.

55. The Grand Jurors for the Parish of Orleans, shall be empanelled before, and shall return to the First District Court of New Orleans, all bills by them found and all presentments by them made.

56. In the First District Court, there shall be kept a Docket for criminal cases, and the criminal cases shall be tried by preference over the civil cases.

57. All examinations, depositions, declarations, confessions, affidavits, bonds, recognizances, and generally all other instruments, acts, documents and papers whatever, taken or received in, or concerning any criminal cause, shall be transmitted without delay by the Justices of the Peace, Recorders, Mayor, or other committing magistrates of the Parish of Orleans, taking or receiving the same, to the Clerk of the First District Court, and by the said Clerk forthwith transmitted to the Attorney-General, or to the District Attorney appointed for the parish of Orleans, or First Judicial District.

58. The Second district Court of New Orleans shall keep two dockets, one of said dockets to be called "Preference Docket" and the other "Ordinary Docket;" on the Preference Docket shall be placed all cases relating to successions, and the cases on said docket shall be tried by preference over all cases found on the ordinary or other dockets. The Judge of said Second District Court shall decide summarily, and without argument, the docket on which a case is to be placed.

59. In the Third District Court of New Orleans, there shall be a "Preference Docket," and an "Ordinary Docket;" on the Preference Docket there shall be placed all cases of appeals from

One Judge appointed to each court: his salary how payable.

1846.

32; 2.

Courts when opened, and for interlocutory orders always open.

1846.

32; 3.

If Judge be interested, one of the other Judges to try the cause.

1846.

34; 4.

Majority of Judges to establish rules.

1846.

32; 5.

Attorney General, or District Attorney, to file information in First District Court.

1846.

32, 6.

Grand Jury to return Bills to First Dist. Court.

1846.

33; 7.

The First District Court, Docket for criminal cases, and to be tried by preference.

1846.

33; 8.

All papers relating to criminal cases to be transmitted to Clerk of First District Court and by said clerk to Attorney General or District Attorney.

1846.

33; 9.

Dockets of 2nd District Court. Judge to decide summarily thereon.

1846.

33; 10.

Dockets of Third District Court how tried.

1846.

33; 11.

Justices of the Peace. The cases on the Preference Docket shall be tried by preference over all cases on the ordinary or other dockets, and the Judge of the said Third District Court shall decide summarily and without argument the docket on which a case is to be placed, and the trial of said appeal shall be *de novo*, and shall be conducted according to the rules and regulations provided by law for the trial of appeals from the judgments of the associate Judges of the City Courts of New Orleans. But if, on the appeal, any evidence be offered that was not offered in the Court below, the party first introducing new evidence shall pay the costs of the appeal.

Dockets of Fourth District Court, Judge to decide summarily thereon.
1816.
33; 12.

60. The Fourth District Court of New Orleans shall keep two dockets, one of said dockets to be called "Preference Docket," and the other "Ordinary Docket;" on the Preference Docket shall be placed all cases of a commercial nature, and the cases on said docket shall be tried by preference over all cases found on the ordinary or other dockets; the Judge of said Fourth District Court shall decide summarily and without argument the docket upon which a case is to be placed.

Petitions for Curatorship or administration or executorship, time to be endorsed, and Jurisdiction to be with court wherein first petition filed.
1816
33; 13;

61. All petitions filed for the curatorship or administration of estates, or for executorship of wills, the exact time of filing said petitions shall be endorsed, and in the court in which petition was first filed, as shall appear by the endorsement thereon, all of said petitions shall be transferred and decided on.

In case of illness of one judge, judges to hold said court alternately one week.
1843.
78; 1

62. It shall be the duty of each of the several Judges of the District Courts of New Orleans, commencing with the Judge of the First District Court, to hold alternately, during one week, the Court which any one of the Judges may be incapacitated from holding by reason of illness, or by leave of absence.

Interval of one week after each judge has served, if cause is protracted beyond judicial week, judges shall continue the trial until completed.
1848.
78; 2.

63. There shall be an interval of one week in said Court, commencing on the first judicial day of the week, after the Judges of the several Courts have each served in rotation; provided, that if any cause shall be protracted beyond the judicial week in any of the Courts, the Judge shall continue the trial of said cause until the trial is completed.

SEAT OF JUSTICE, COURT HOUSE AND PARISH JAIL IN THE PARISH OF JEFFERSON.

1846.
101; 1.

64. The City of Lafayette shall be, and is hereby made the seat of Justice of the Parish of Jefferson.

1846.
101; 2.

65. The District Court in and for said Parish, shall hold its sessions, and the Sheriff, Recorder of Mortgages, and Parish Notary of said Parish are hereby required to keep their respective offices in said City of Lafayette.

1816
101; 3.

66. The Police Jury of the Parish of Jefferson, and the corporations of the City of Lafayette and Town of Carrollton, shall provide a Court House and Parish Jail; the expenses whereof shall be borne by each of said corporations in proportion of State taxes, assessed in their respective limits.

1816.
102; 4.

67. On the first Monday of July in every year, a joint committee, composed of two members of the Police Jury, two of the City Council of Lafayette, and one of the City Council of Carrollton, shall meet for the purpose of regulating all matters connected with, or growing out of the foregoing section, and the re-

gulations enacted by said committee in relation thereto, shall be binding on said corporations respectively.

JUDGES OF DISTRICT COURTS AUTHORIZED TO HOLD ADJOURNED AND SPECIAL TERMS OF COURT.

68. The Judges of the several District Courts of this State, are hereby authorized to hold adjourned or special or called terms of their respective Courts, whenever on account of sickness, accumulation of business, or other causes, they should see fit; and at such adjourned, or special, or called terms, all business may be transacted, and all causes tried, as if the term were a regular term of said Courts, and they shall order the sheriff to summon a jury to attend said Court, should a jury be deemed necessary.

1848.
86.

69. That whenever it may be necessary, as specified in the foregoing section for a special adjourned or called session of any District Court to be held, the Judge thereof shall, at least thirty days before the commencement of said session, notify the Sheriff of the Parish, wherein said Court is to be holden, of the day when said session shall commence; and it shall be the duty of said Sheriff to make public the same, by advertising three times in a newspaper, if there be one published in the Parish; and if there be no newspaper published in the Parish, then, the Sheriff shall give notice of the holding of said Court, by putting up advertisements in at least four different places in the Parish, selected as the best situated to make the same more generally known.

MAYOR AND RECORDERS' COURT OF NEW ORLEANS.

70. That there shall be and there is hereby established in the city of New Orleans, a criminal court, to be styled and called "the Mayor and Recorders' court of New Orleans," which shall have original jurisdiction in all criminal cases arising within the limits of the city of New Orleans, which by law are made punishable with fine not exceeding one thousand dollars, or by imprisonment, without hard labor, not exceeding one year.

Creation of the
Mayor and recorder's
court in the
city of New Or-
leans.

1850.
241.

71. All trials and proceedings had before this court shall be regulated by and shall in every respect conform to the laws governing and regulating the trial of and proceedings in criminal cases in this State, and this court shall have the sole authority and right to pronounce final judgment in all criminal cases arising within said limits of the city of New Orleans, in which the punishment prescribed by law is fine, not exceeding one thousand dollars, or imprisonment, without hard labor, not exceeding one year.

Jurisdiction of
said court.
Trials and pro-
ceedings how re-
gulated.

72. This court shall be composed of the mayor and the recorders and aldermen of the respective municipalities of the city of New Orleans, and shall be organized in the following manner, to wit: When established by virtue of this act, this court shall be opened for and during the first week in the recorder's office of the first municipality, and the said mayor, assisted by the recorder and one alderman of said first municipality, shall preside and hold said court for the trial of all causes within its jurisdiction; and said court shall be opened for and during the second week, in the recorder's office of the second municipality, and the said mayor, assisted by the recorder and one alderman,

Organization of
said court.

Said court when
to be opened.

Its sessions when
and where held.

Said court to be
presided by the
Mayor.

His absence how
provided for.

Incidental pow-
ers of said court.

Duties of the
sheriff in relation
to the jurors who
are to serve in
said court.

Duties of the
jurors.

Number of names
to be drawn from
the jury box in each
municipality.

Penalty for not
attending as juror.

of said second municipality, shall preside and hold said court for the trial of causes as aforesaid; said court shall be opened, for and during the third week, in the recorder's office of the third municipality, and said mayor, assisted by the recorder and one alderman of said third municipality, shall preside and hold said court for the trial of causes as aforesaid; and said court shall continue thereafter to be opened and held alternately, for and during one week, in each of said municipalities, beginning with the first and then following in the second, and then in the third municipality and shall continue to be so opened, presided and held in the manner hereinbefore specified: Provided, however, that whenever the said mayor shall be prevented by sickness, or official engagements, or other necessary absence, from attending the regular sittings of said court, it shall be the duty of the recorder, in whose municipality said court is being held or about to be held at the time of such absence of the mayor, forthwith to summon one of the aldermen of that municipality to supply the mayor's place, and it shall be the duty of said alderman so summoned, immediately to attend said court and to sit during the absence of said mayor, and in such case, said recorder assisted by said two aldermen, shall preside and hold said court in the same manner and to the same effect as if said mayor was present, presiding and holding the same.

73. Said court shall in all cases arising within its jurisdiction, have all the incidental powers of a criminal tribunal, to enforce its jurisdiction and carry out the intent and design of this act.

74. It shall be the duty of the sheriff of the parish of Orleans to make out and keep a list of qualified jurors for each municipality, to serve as petty jurors in said court, for successive terms of four weeks each, and it shall be the further duty of said sheriff to keep a jury box in the office of each of the recorders of the respective municipalities, and he shall place the names of said jurors in said box, and the names of the qualified jurors residing at Algiers, on the right bank of the river in said parish of Orleans, shall be placed in the said box kept in the office of the recorder of the first municipality, and such jurors so residing at Algiers on the right bank of the river shall be liable to serve as petty jurors in said court only when it shall be held in said first municipality. One week previous to the opening of said court the sheriff in the presence of the recorder and one alderman of the first municipality, shall draw from said jury box thirty-six of the names of said jurors, and shall regularly summon them to attend said court at its opening, and it is hereby made the duty of said jurors when thus summoned to attend in said municipality for which they shall be drawn, and to serve as petty jurors in said court for the term of four weeks; in like manner the said sheriff shall draw the names of, and summon as aforesaid, thirty-six jurors for said court in each municipality, and it shall be the duty of said jurors when thus drawn and summoned as aforesaid, to attend in said municipality for which they shall be drawn, and to serve as petty jurors in said court for the term of four weeks; and after the first drawing of jurors as aforesaid, it shall be the duty of said Sheriff on the last week of each succeeding month

to draw from the jury box thirty-six of the names of said jurors for each municipality, to serve as petty jurors for the ensuing month; and it shall be the duty of such jurors when summoned as herein provided, to attend and serve in said court as jurors for said term, under the penalties now prescribed by law for non-attendance of petty jurors in criminal cases, and for drawing and summoning said jurors the sheriff shall be allowed to charge and receive the same fees, and shall be paid in the same manner as is now provided by law for drawing and summoning petty jurors in criminal cases. Fees of the Sheriff.

75. A district attorney shall be elected at the next municipal election and every two years thereafter, by the qualified voters of said city of New Orleans entitled by law to vote for said mayor and recorders, and at the same time and places of voting for the said municipal officers. Election of a District Attorney.

76. Said district attorney shall be designated by the name of the second district attorney of the first judicial district of the State of Louisiana, and that he shall receive a salary of fifteen hundred dollars per annum, payable quarterly, and that his duty shall be regularly and exclusively to attend as State prosecutor the said mayor and recorders court of New Orleans established by the present act, and to prosecute and conduct all suits and proceedings arising therein.—*Act of 21st March, 1850.* Salary of said District Attorney.

CLERKS OF DISTRICT COURTS IN THE PARISH AND CITY OF
NEW ORLEANS AND DISTRICT COURT FOR THE

PARISH OF JEFFERSON.

77. The clerks of the several district courts in the city of New Orleans, shall keep the records and proceedings of said district courts in conformity to law, and under the directions of the judges of their respective courts, they shall perform the duty of translators whenever thereto required by the court, for which they shall not receive any compensation; they shall administer oaths in all proceedings appertaining to their respective courts; they shall issue under the seal of their respective courts the necessary process, whenever the requisitions of the law have been complied with, writs of provisional seizure, attachments, sequestration and arrests in civil cases, and commission to take testimony. Duty of clerks of district courts of New Orleans.
1846.
60; 1

78. Said clerks shall record in a well bound book to be kept for that purpose, all oaths of tutors, curators, appraisers and other oaths of office required by law and by said clerk administered; they shall record in a well bound book to be kept for that purpose, all bonds given by tutors, curators, administrators, and dative testamentary executors; and they shall record in a well bound book to be kept for that purpose, all wills admitted to probate in their respective courts. Duty of clerks to keep oaths of tutors &c.
1846,
60 2

79. Said clerks shall keep the following books, which shall always be open for inspection: a general docket, in which shall be briefly entered all the proceedings that take place in each cause from the filing of the petition or the issuing of any conservative writ, so as to make a complete synopsis of all the proceedings in a cause. A rule docket in which shall be transcribed at length all the rules taken in every cause, and the orders made on said What books the said clerk shall keep.
1846.
60; 3

rules. A double index of plaintiffs and defendants to the general docket, and an ordinary index to their rule docket.

1846.
60; 4

80. Said clerks shall perform all the duties which the clerks of the several courts now established in New Orleans are required by law to perform, if not contrary to the provisions of this act, and shall receive for their compensation the same fees and emoluments as are now allowed by law to clerks of the district court for the first judicial district, except in matters of succession and in criminal cases; in matters of succession they shall be entitled to the same fees as are allowed to the register of wills in New Orleans, and in criminal cases, to the same fees as are allowed to the clerks of the criminal court of the first district, and the salary now allowed by law to the clerk of the criminal court of the first district, shall be given to the clerk of the first district court of New Orleans.

1820.
100; 1

81. It shall be the duty of the clerks of the first district court, to deposit the funds received by them in their said capacity under the authority of the court, in the State Bank of Louisiana.

1820.
100; 2

82. The said clerks shall be entitled to demand and receive as a compensation for their responsibility and safe keeping of the said sums, one per cent. at the time of their paying over the said sums, thus deposited in their hands respectively.

Powers and duties
of Clerks of district
court for parish of
Jefferson to be the
same as clerks of
district courts of
New Orleans.

1846.
67; 19

83. The clerk of the district court in and for the parish of Jefferson shall exercise the same powers and perform the same duties as are required by law from the clerks of courts in the parish of Orleans, and shall furnish the same security and receive the same compensation as said clerks, provided no salary shall be paid him.

CLERKS OF OTHER DISTRICT COURTS.

Powers granted to
the clerks of the dis-
trict courts,
1850.
99; 2

What bond is to
be given in cases of
injunctions.

84. The clerks of the several district courts shall have power to issue writs of arrest, attachments, sequestrations and provisional seizure; to issue commissions, to take testimony, in and out of the State; to fix the return day thereof, and to appoint commissioners to execute the same; to grant orders for affixing seals and taking inventories, and to order the probate and execution of wills; to confirm testamentary executors; to appoint and confirm tutors and under tutors; to appoint dative testamentary executors, administrators, curators of vacant successions and absent heirs, and attorney of absent heirs, after giving notice in the cases and manner required by law; to grant marriage licenses; to call family meetings, and homologate the proceedings of the same: Provided, that, if opposition be made to such homologation, the contestation on the same shall be determined by the district court; to grant orders for the sale of property of successions; to issue citations to warrantors; Provided that the judge may disregard the same, should said judge be of opinion that said citation ought not to have been allowed; to grant orders of injunction during the absence of the judge of the district from the parish; provided, that, whenever such order is granted by a clerk, enjoining the execution of any judgment of a court of this State, for a specific sum of money, the party obtaining the same shall be required to give bond, conditioned as the law directs, in a sum of one half over the amount enjoined; and, provided further, that in all cases in

which the district judge is interested, though present in the parish in which the injunction is sought to be obtained, the clerk shall have power to issue said injunction; and it shall be sufficient for the party applying for the injunction, in addition to the other requisites prescribed by law, to swear that he verily believes the district judge is interested in the cause; but this section shall not apply to the parishes of Orleans or Jefferson.

85. The said clerk shall have power to homologate the proceedings of meetings of the creditors of insolvent successions; to issue orders for the advertisement of the filing of tableaux of tutors, executors, administrators, curators of vacant estates and absent heirs, syndics of insolvent successions, and of insolvent debtors, and to homologate the same: Provided, that if there be opposition made to such homologation, the contestation on the same shall be determined by the judge of the district court; provided, also, that the foregoing provisions of this act do not apply to the clerks of the courts of the parishes of Orleans and Jefferson.

Homologation of certain proceedings; in insolvent successions.

Other powers granted to said clerks.

This act not applicable to the parishes of Jefferson and Orleans.

86. Whenever it shall be found by the clerk that a succession is so small, or is so much in debt that no person will apply for, or will be willing to accept the curatorship, or when a vacancy exists in such appointment which no one demands the nomination, the said clerk shall assume the administration of such succession. He shall cause the effects of said succession to be sold, and the proceeds to be applied to the payment of its debts; the whole to be done in as summary a manner as possible, to diminish costs, provided this section is not to apply to successions amounting to more than five hundred dollars.

Clerks, when to administer estates.

1846.
64, 2

87. It shall be the duty of the several clerks, to send, at the end of every year, a list certified under their hands and seals, of all the vacant estates, or those belonging to absent heirs which were opened in their respective parishes during the course of said year, with mention of the name and surname of the deceased, the time of his or her death, the name and surname of the curators or executors of said estate, to the treasurer of the State.

Clerks to send list of vacant estates.

1846.
64; 3

88. Whenever it shall occur that no one will take upon himself the tutorship of a minor, and comply with existing laws by giving the required security for the tutorship of minors, it shall be the duty of the clerk to summon a family meeting, and with its advice to nominate one discreet and responsible person in that parish to be tutor, and another to be under tutor, who shall in all respects comply with existing laws in relation to tutors, except that of going security for his administration.

Duty of Clerks as to tutorship of minors.

1846.
64. 4

89. All such orders the several Clerks are empowered to grant, may be opposed by any person in interest, to the same extent as such orders are now subject to opposition, and in case of such opposition said orders shall not be executed unless the District Court shall sustain the same.

The orders of clerk how opposed.

1846.
64. 5

90. All appointments which the several Clerks are empowered to make, as above may be opposed by any person in interest to the same extent as such appointments are now subject to opposition, and in case of such opposition the District Court shall determine on the same, and if any such opposition be made, said

How opposed, their appointments, and in such case the appointment to be provisional.

1846.
64. 6

appointment shall be provisionally, and the person so provisionally appointed shall have no power, except to collect and preserve the accounts and property of the estate with which by such appointment, said person may be entrusted: Provided, that all persons so provisionally appointed shall qualify in manner and form as required by law.

Duty of Clerk to put opposition on the docket.

1846.

64. 7

91. In all cases of opposition to any order granted, appointments made, or homologation decreed, or motion filed in the Clerk's office, it shall be the duty of the Clerk to place said opposition on the docket of the District Court, and to issue a copy of said motion to be served on the opposite party.

Authorized to order accounts to be filed by executors, tutors, curators, administrators, and syndics.

1846—65, 9

92. The said Clerks shall have power to order all executors, tutors, curators, administrators and syndics to file accounts, within ten days after such order may have been made, allowing one day for every ten miles between the residence of the party so ordered and the Court House.

Duties of Clerks with respect to these officers.

1846—65. 10

93. It shall be the duty of the said Clerks to make, and place on the docket of the District Court, to each term thereof, a list of all such executors, administrators, tutors, curators and syndics as shall have failed to file accounts within twelve months next preceding.

Clerks with jury boxes; their duties.

94. In every year, each of the sheriffs of this State, except those within the First Judicial District, jointly, with not less than two freeholders of his parish, shall form, agreeably to their particular knowledge, a list of the inhabitants of their respective parishes, that in their judgments they may consider capable of fulfilling the duties of jurors in the District Courts; Provided, that the number of inhabitants inscribed on said list shall not exceed two hundred, and consist of at least one hundred, if so many competent jurors are found in said parish; which list duly signed and certified by said sheriff and freeholders, shall, by the sheriff, be transmitted to the clerks of the District Courts of their respective parishes; and provided also, that, the sheriff and freeholders shall as far as possible, avoid placing on the list the names of those individuals who have served as jurors according to the previous jury list.

It shall be the duty of the clerks of the said District Courts, to write on the ballots the names of the persons composing said list, and put the said ballots in a box shut with two locks, one of the keys of which shall be kept by the clerk of the District Court and the other by the sheriff.

At least twenty days before each jury session of the District Court, the Clerk of the said Court, in the presence of the sheriff and two freeholders of the parish, shall draw from said box not less than forty-eight ballots, and the said clerk shall deliver to the sheriff of the parish a certified list of the names of the persons so drawn, and it shall be the duty of said sheriff to summon said persons to serve as grand and petit jurors at the ensuing term of said District Court; Provided that in case of absence, death or sickness of the sheriff, the duties required of him may be performed by any duly commissioned justice of the peace of the parish.

95. In any case when a jury shall be set aside by the Court on account of any defect or informality whatsoever, it shall be the

duty of the clerk of the District Court to give immediate notice thereof to the sheriff, or in case of his death, sickness or absence, to some justice of the peace, whose duty it shall be to draw a new set of jurors instanter, under the provisions and formalities heretofore required, which said jurors shall be summoned to appear instanter, and serve as jurors, the twenty days required being in such case waived, and the said court shall not be adjourned, except from day to day, till such jury shall be convened; Provided, such session be not continued so as to interfere with any regular session of said court in another parish.

96. The clerks shall issue all orders, writs and processes of every kind emanating from their respective courts, and shall have authority to administer oaths.

In case of defect and informality of drawing juries, the duty of sheriffs.

Clerks to administer oaths.

1846.
66, 12

97. The clerks shall receive as compensation for the orders, which they are empowered to grant, and for all writs, notices, or processes issued on said orders, the same compensation as is now allowed by law to the clerks of Probate Courts, or judges thereof.

1846.
66, 13

98. The clerk shall record all proceedings in successions in the same manner as was required of parish judges, and he shall receive therefor such fees as are now allowed by law.

1846.
66, 14.

99. The several clerks of the District Courts in this State, before they enter upon the discharge of their offices, shall give bond, with at least two securities, for the faithful discharge of their official duties. Said bond shall be made to the Governor, and may be sued upon by any party injured; the bond and securities thereon shall be approved by the District Attorney of the judicial district in which said bond is given; and it shall be deposited in the office of the sheriff of the parish, who shall transmit a certified copy of the same to the State treasurer; and a copy of the bond so transmitted, duly authenticated by said treasurer, shall be admissible as evidence.

Clerks of District courts, to give bond
1846.
66, 15

100. The amount of the bonds of the several clerks shall be determined by the parochial authorities of the parishes respectively; and said bond shall be renewed every two years, and in case of failure of the clerk to renew his bond, he shall be removed from office by the district judge on due proof of the fact being made by the District Attorney, whose duty it shall be to prosecute in such cases.

Amount of bond how determined, how renewed.
1846.
66, 16

101. Whenever any clerk of any District Court now existing, or hereafter to be organized within this State, shall be guilty of any malfeasance in the discharge of the duties of his office, or any breach of good behaviour, it shall be lawful for the person or persons who shall be aggrieved thereby, or any other persons, to complain to the judge of the said court, by petition, setting forth the nature of the charge against the said clerk, and the facts upon which the same is founded. It shall be the duty of the District Attorney of said District Court, upon the presentation of any such petition, to cite said clerk to appear and answer to the same, on a day to be by the said court assigned, and named in the citation, and upon the appearance of such clerk, to proceed to hear and determine the matters alleged against him in said petition. If upon hearing all the proofs to be exhibited by the parties, the said judge shall be of opinion that the said clerk has been guilty of any act,

Clerk, how impeached and removed

which, in the opinion of said court, ought to disqualify him from holding his said office of clerk, then, and in that case, the court shall proceed to pronounce judgment to that effect, and the said clerk shall be accordingly removed from office.

Appeal how taken,
judgment in case of
non appearance.

1846.

66, 17

102. In such proceedings, it shall be the duty of a person selected by the sheriff for the purpose, to write down all the testimony that may be presented by the parties, in order that a copy thereof, and of all the other papers connected with such actions, may be sent to the Supreme Court, in case an appeal shall be obtained. In no event shall the clerk be suspended in the exercise of his functions, except in proceedings relative to his own trial; but should judgment of removal be pronounced against him, and he should fail to demand an appeal in ten days from the date such judgment was rendered, the judge shall declare the office vacant, and shall fill the same by appointment. If any Clerk as aforesaid, shall fail to appear and answer to any citation from the said District Attorney, as aforesaid, and proof being made of the service thereof, or shall not show cause to the satisfaction of the said judge, why he does not appear, it shall be the duty of said judge to pass judgment of removal from office against the said Clerk, and it shall be the duty of the judge of the court of which the delinquent was clerk, to proceed to the appointment of another clerk as aforesaid.

Clerks to appoint
deputies.

1848.

116, 1

103. Each of the said clerks shall have power to appoint as many deputies as he may judge necessary, to be sworn in by the District judge, or by any justice of the peace, and the said oath shall be placed and recorded in the office of the Parish Recorder; the Clerk shall be responsible for the official conduct of said deputies, and said deputies shall have all the powers now vested by law in deputy clerks.

1846.

67, 19

104. The foregoing provisions of this act shall not apply to the clerk of the District Court in and for the parish of Jefferson.

GENERAL PROVISIONS.

In case of appeal, to
record all proceed-
ing and judgment
of appellate court.

1825

212, 2

105. In case of appeal, it shall be the duty of the clerks of said courts to record the pleadings and judgment as aforesaid, together with the judgment of the district and that of the appellate court, within six months from the filing of said judgment of the appellate court.

In case of dismissal
of appeal to record.

1825

212, 3

106. In case no judgment shall be rendered in the appellate court by reason of the appeal being dismissed or discontinued, it shall be the duty of said clerks to record the pleadings and judgment, within six months from the notice of said dismissal or discontinuance being filed in the District Court aforesaid.

In case of loss of
originals, these re-
cords to be evidence

1825.

214, 6.

107. In case of the loss or destruction of the original document, herein directed to be recorded, copies taken from the book, and certified by the keeper thereof, under his hand and seal of office, shall be good and legal evidence of the contents of said originals; but in case a duly authenticated copy of such record, made before the destroying of the original, should be procured in evidence; greater faith shall be given to it, than to a copy made subsequently to such destruction.

1850.

24, 1.

108. Hereafter the clerks of the district courts of the different parishes of this State are empowered to convene the police juries

of their respective parishes whenever there is a vacancy in the office of president of the police jury, in the same manner and for the reasons that the president of said jury could himself do.

Clerks of district courts authorized to convene police juries on certain occasions.

109. It shall be the special duty of the clerks of courts to see that the tax be collected and paid over; and each of said clerks shall be bound to furnish to the auditor, once a year, a statement or list of the successions opened in his parish, whereof persons who are neither residents of this State, or citizens of any other State or territory in the United States, are heirs, legatees, or donees, in whole or in part, and of the amount accruing to such persons, and any clerk failing to furnish such statement, or to comply with the provisions of the laws relative to vacant successions, shall be subject to a fine not exceeding five hundred dollars, for each and every omission, and shall be responsible to the State for the amount due.

Special duties of clerks of courts, with regard to a list of successions.

1850.

146, 77

Penalty for their violating the provisions of this section

CONSTABLES.

110. There shall be elected for the term of two years, by the qualified electors of the several wards of the different parishes of this State, a Constable for each of said wards who shall reside in the ward, for which he shall be elected, and be qualified to vote for members to the General Assembly of the State, and the several Constables, (those of the Parishes of Orleans and Jefferson excepted) shall have authority to act throughout the extent of their respective Parishes.

Constables, how elected in the parishes.

1848,

88, 1

111. Should any vacancy occur in the office of constable of the wards, as provided in the above section, by failure to elect, death, resignation, or otherwise, the parochial authorities, upon proper representation of the same, shall forthwith order an election to fill such vacancy for the residue of such term, by giving a written notice of the same at least twenty days previous to said election, which shall be posted up by the Sheriff of the Parish, at the place of voting in said ward.

Vacancies, how supplied.

1846

93, 2

112. All sales directed to be made by Constables, by the article 1143 of the Code of practice, shall be made at the office of the Justice of the Peace nearest the residence of the party whose property is seized, or at the most public place within three miles thereof, to be designated by the Justice of the Peace issuing the order of sale, except in towns in which sales shall be made at the place where the Sheriff is in the habit of making sales of property under execution.

1830.

120, 2

113. It is hereby made the duty of Constables to return every process to them directed, together with their proceedings thereon, to the Justice issuing the same, within thirty days of the date thereof, except such as are required to be summarily acted upon.

1830

120, 3

114. All property seized under execution by Constables, shall be appraised and sold in the same manner as property seized and sold under execution by Sheriff.

1830

120, 4

All Constables shall receive five cents for every mile they may necessarily travel in going and returning on the service of any process, and when they are obliged to travel by water, except in steamboats, the charge shall be double; but this mileage is only to be charged from the place where the process is served to the seat of the Court from whence it issued, and in no case shall

1845

54, 2

mileage be allowed for a greater distance than the place of residence of the person from whence such process may have issued.

115. When there are more than one person named in any process, the officers shall only be allowed mileage to the furthest, and from thence to the others named in said process.

116. The several Constables throughout the State shall be entitled to demand and receive the following fees, and no others, to wit :

For serving a State warrant to be paid by the parish, fifty cents.

For serving a summons and warrant for debt, fifty cents.

Summoning each witness, fifty cents.

Serving an execution for debt, fifty cents.

Selling property taken under execution, for each dollar, five cents.

For conveying a prisoner to jail, one dollar.

Serving peace or search warrant, one dollar.

Serving attachment, fifty cents.

Constables
New Orleans,
1846
82, 23

117. There shall be one Constable for each Justice's Court in the Parish of Orleans, who shall hold his office for the term of two years, dating from the first Monday of November, eighteen hundred and forty five, and who shall be elected by the qualified voters of the Parish, residing within the sectional limits, within which each Justice is required to hold his court.

Duties of these
constables.
1846
82, 24

118. It shall be the duty of said Constables to serve as executive officers to said Justices of the Peace, and their powers, rights, and duties, except as herein otherwise provided, shall be the same as those of Constables under the existing general laws of the State ; shall serve and execute all process, writs and orders, to them directed, by said Justices of the Peace, and shall attend the Courts held by them, to keep order therein, and to receive writs, orders and processes.

Right to appoint
deputies.
1846
82, 25

119. Each Constable shall have the right of appointing as many deputies as may be necessary to assist him in discharging his official duties, for whose acts of negligence or malfeasance, he shall be responsible ; said deputies before entering upon their duties, shall be required to take an oath for the faithful discharge of the same.

Bonds of Con-
stables.
1846
82, 26

120. Each Constable shall give bond in favor of the State of Louisiana, with one or more good and solvent sureties, in the sum of five thousand dollars, to the satisfaction of the District Attorney of the District in which the Parish of Orleans is situated, conditioned for the faithful performance of his duties, and for the legal adjustment of all claims against him, monied or otherwise, incurred in his official capacity, or growing out of his official responsibility, and said bond shall, by said District Attorney be filed among the records of the Secretary of State, of the State of Louisiana, and may be sued upon, by any person seeking to obtain redress against any illegal acts, omission, negligence or detention of money or property by said Constable, or any of his deputies, in the discharge of his or their official duties, and for the purpose of such suit, a copy of said bond duly certified by the

Secretary of State, shall be held to be of equal validity with the original in any of the Courts of this State.

121. Said Constable shall have power, and it shall be his duty, to serve and execute all writs of *fieri facias*, issued by said Justice of the Peace, by seizing and selling moveable and unmoveable property, rights and credits in the same manner as Sheriffs are bound and have authority to do.

Powers of Constables
1846
83, 27

122. In each Justice of the Peace district in the Parish of Jefferson, one Constable shall be elected by the qualified electors of the said district, except in the city of Lafayette, in which district the qualified electors shall elect two Constables, and all of said Constables shall be elected on the third Monday of June next.

Constables in Lafayette.
1846
87, 1

123. Said Constables shall each give bond in sum of five hundred dollars, with two good and solvent securities to be approved by the Justice of the Peace for whose district said Constable is elected, for the faithful discharge of the duties of Constable; provided the Constables elected in the city of Lafayette, shall each give bond to be approved by either of the Justices in the city of Lafayette, in the sum of one thousand dollars, with two good securities. The said bonds to be deposited in the office of the Clerk of the District Court in said Parish, a certified copy of said bond may be given in evidence in any case.

Bonds of Lafayette constables.
1846
87, 2

124. The Captain of the night watch of the city of Lafayette, and such officers or deputies under him, as the City Council of said city may designate, shall be, and they are hereby vested with full power and authority to act as Constables in all criminal matters arising in said city, and to execute any and all criminal warrants, writs and processes to them or to either of them directed by either of the Justices in said city.

Power of Lafayette Captain of Night Watch.

125. Each Constable in the Parish of Jefferson, shall have the right of appointing as many deputies as may be necessary, to assist him in discharging his official duties, for whose acts of negligence or malfeasance, he shall be responsible, said deputies shall be required to take the oath prescribed by the constitution for the faithful performance and discharge of their duties, and that the said constables shall have the right of discharging their said deputies, at their option.

Constables of Jefferson Parish authorized to appoint deputies.
1850
11

SHERIFF.

126. There shall be elected a Sheriff in each parish by the qualified voters, who shall hold his office for the term of two years unless sooner removed, whose duty it shall be to execute all judgments and orders of the district court, and of the parish court, as also those of the supreme court, when sitting in the parish for which he shall have been appointed, and to discharge all the duties which were incumbent on the sheriff of the parish and superior courts; and the said sheriff shall give the same security which was required of the late parish sheriffs. It shall be the duty of sheriffs of the different parishes of the State to execute and return all writs of execution which shall be directed to them from any of the district courts of this State, against the property of the defendant, in the same manner as if the same

Constitution, art 83.
1813.
30, 23.

1813.
204, 19.

had issued out of the court for the district in which the parish of such sheriff is situated.

Sheriffs to pay
over, Penalty for
not doing so.
1826,
174, 17.

127. It shall be the duty of each of the Sheriffs of the different parishes in this State to return all writs, directed to them, into the Clerk's office from which they issued on or before the return day mentioned therein; and also to pay over any monies received thereon, to the party entitled to the same or to their attorneys, and in default of any of the duties imposed on him in this section, he shall become liable to the party or parties entitled to the benefit of said writ, for the full amount specified therein, which shall be recovered on motion before the District Court in the parish in which the said Sheriff acts and resides, after ten days notice having been given to said Sheriff of such intended motion.

Sheriffs and Cor-
oners to perform
duties of office, af-
ter expiration of
term of service.
1827.
42, 4.

128. All Sheriffs and Coroners after the expiration of their term of service, shall continue to perform the duties of their offices respectively, until their successors or themselves, in case of re-appointment shall be inducted into office, by performing the formalities required by existing laws; so that no interruption may occur in the discharge of any public duty required by said offices, under the same penalties, bonds, obligations and securities as were given and entered by them at the time they were first appointed to said offices.

Sheriffs and Cor-
oners to carry into
execution the writs
directed to their
predecessors.
1827.
42, 2.

129. When the Sheriffs and Coroners newly elected shall have entered upon the discharge of their duties, they will have power to carry into execution all writs and judicial orders, directed to their predecessors and not definitely acted upon by them, and to make thereon all necessary returns.

Prescriptions for
acts of malfeasance
and non-faisance.
1837.
34, 1.

130. No Sheriff or his security or securities shall be able to prescribe against his acts of misfeasance, non-faisance, costs, offences and quasi-offences, but after the lapse of two years from the day of the commission of the acts complained of; all laws or parts of laws to the contrary notwithstanding.

131. The sheriffs shall recover and account for all and every fines imposed by the several courts of this State and the justices of the peace, and they shall every six months pay over, to wit: the fines for the use of the State into the State treasury, and the fines for the use of the several parishes to the treasurer of the respective parishes; and all and every sheriff who shall neglect to make payment of said fines at the above fixed period, shall be prosecuted therefor in behalf of the State in a summary way, on motion of the treasurer into whose hands such payment should be made, before the district or parish court where such sheriff may reside; provided, however, that whenever said sheriff shall make it appear to the satisfaction of the parish court that the person fined within said parish has become insolvent; that he or she has left the parish, or that no property has been found sufficient to meet the payment of said fines, then and in every such case the court shall certify the same to the State treasurer whose duty it shall be to credit the sheriff therefor.

1812.
150; 7

132. The sheriff may appoint, with the approbation of the district court, as many deputies, at their own responsibility, as they may think proper; provided, however, that the deputies shall be

sworn truly and faithfully to perform the duties imposed on the principal sheriff.

133. In case the district judge should not appear on the first day of any term, the sheriff shall adjourn the court from day to day for not more than three days.

134. Whenever the sheriff and coroner of any parish, shall be interested in any suit or other legal process, or when there shall be no coroner in office in any parish, and the sheriff of such parish shall be disqualified by law from interest or otherwise from serving any legal process, such legal process shall be served by any regular constable of the parish or by the court wherein such suit may be pending, and such constable or officer shall have in such suit all the powers, receive all the emoluments, and be liable to all the responsibilities of the sheriff in other cases.

135. The sheriffs and their deputies throughout this State, are hereby authorized to administer the oath required by law, to all appraisers of property, seized or distrained by him; provided, however, for any such service they shall not be entitled to any compensation.

136. All sheriffs, jailors, prison keepers, and each and every of their deputies within this State, to whom any person or persons shall be sent or committed by the marshal of the district of Louisiana, or his deputies under the authority of the United States, whether on civil or criminal process, or upon any process or warrant which may be issued by the President of the United States, or those to whom he may delegate authority for any cause whatever under the laws of the United States, shall be and they are hereby enjoined and required to receive such prisoners into custody, and to keep them safely until they shall be dismissed by due course of law; and all such sheriffs, jailors, prison-keepers, and their deputies, offending in the premises, shall be liable to the same pains and penalties, and the parties aggrieved shall be entitled to the same remedies against them or any of them, as if such prisoners had been committed to their custody by virtue of legal process issued under the authority of this State.

137. When the Sheriff and Coroner are both candidates for re-election, the Sheriff shall be the returning officer, so far as the Coroner is concerned, and the Coroner shall be the returning officer so far as the Sheriff is concerned.

138. All judicial sales throughout the State, made in pursuance of any order, judgment or decree of any Court in this State, (except that of Justices of the Peace) shall be made by the Sheriff of the Parish where such sale is to be made; provided, that in cases of successions, the representative of the succession shall have the right to cause the sale to be made either by the Sheriff or by an Auctioneer, or he shall make the sale himself, in virtue of his administrative capacity, but shall not receive any commission or compensation therefor.

139. The Sheriff or Auctioneer shall be entitled to receive as commission upon sales made by him of all succession property, one per cent. upon all sums under twenty-five hundred dollars, and the half of one per cent. upon all sums over and above that amount.

140. No judicial or succession sale heretofore made by Auctioneers or Clerks of Court, or their qualified deputies, shall be

1850.
100; 3

Constable, when
to act in place of
coroner.
1838.
84, 1

Sheriffs authori-
zed to administer
oaths to appraisers,
1815.
44; 2

Sheriff to receive
prisoners under
laws of the State.
1814.
36; 1.

When Sheriff
and Coroner candi-
dates for reelection
to be returning
Officers for each
other.

1847.
195; 2.

Sheriff to make
judicial sales ex-
cept in case of suc-
cession, which may
be made by Auc-
tioneers or the
administrator him-
self.

1847.
62; 1.

Commissions on
succession prop-
erty.

1847.
62; 2.

Prescription for
sales heretofore
made of succe-

sions, exceptions.
1817.
62; 3.

set aside or annulled unless suit be instituted for that purpose within ninety days after 1848, provided, however, this section shall not apply to such sales as have been made through fraud or collusion.

Sheriff's and Cor-
oner's sales, how
advertised. Power
to adjourn.
1842.
210, 1.

141. All sheriff's and coroner's sales shall be advertised to take place, and shall take place at the court house, or at some other public place in the vicinity of said court house, on the first saturday in each month, commencing at eleven o'clock, after the expiration of the time required by law for advertisement of such sales; and the said sheriff or coroner shall have the right to adjourn said sale to the Monday following, and then from day to day; only in case there shall not be time to conclude the same in one day; Provided, however, nothing contained in this section shall deprive the defendant of the privilege now enjoyed by him, of having his plantation and slaves, or either, when they are under seizure, offered for sale at his domicil, upon his giving notice to the proper officers within three days after notice of seizure.

Defendant in ex-
ecution right to re-
tain his property
by giving bond.
Form and effect
of bond.
1842.
210, 2.

142. The defendant in execution, whose property has been seized, shall have the right to retain such property in his own possession from the time of such seizure until the day of sale, on condition that said defendant shall execute his bond in favor of the plaintiff in execution, *in solido*, with one or more good and sufficient security, domiciliated in the parish where said defendant may reside, for an amount of one half over and above the estimated value of the property seized, conditioned for the faithful delivery of the property seized at the time of sale, which bond shall be filed in the office from which the writ issued, within ten days after the date thereof; and upon a forfeiture of said bond, which fact shall be made to appear by the certificate of the officer charged with the execution of the writ, the same shall have effect as a twelve months' bond, and execution shall issue thereon on application of the plaintiff or his attorney, against all the parties to said bond.

Exception to Or-
leans and Jefferson
parishes.
1842.
210, 3.

143. The two above sections shall not apply to the parishes of Orleans and Jefferson.

SHERIFFS OF PARISH OF JEFFERSON AND OF ORLEANS.

Sheriff and nota-
ries of Orleans and
Jefferson not to
pass sales of real
estate unless parish
and municipal tax
be paid.
1848.
79, 1.

144. Hereafter neither the sheriffs nor the public notaries of the parishes of Orleans and Jefferson shall pass or execute any act for the sale, transfer, or exchange of any real estate situated within said parishes, unless the State, parish, and municipal taxes due on the same be first paid, to be shown by the tax collector's receipt, or a certificate to that purpose.

Penalty for doing
so, without pay-
ment of taxes.
1848.
79, 2.

145. Said sheriffs or notary public violating these provisions, shall, upon conviction thereof, be fined in a sum of not less than fifty, nor more than two hundred dollars, for each violation, to be recovered by the District Attorney, for the use of the free schools of the parishes of Orleans and Jefferson, before any competent tribunal.

Sheriff of parish
of Jefferson may
pass acts of sale of
lands sold for State
or Parish taxes by
his predecessor.
1847.
197, 1.

146. The sheriff of the parish of Jefferson is hereby authorized to execute and sign deeds of sale in the usual form, in favor of any purchaser of land sold in said parish for State or parish taxes by his predecessor in office, and the title to which may not have heretofore been accepted by said purchaser, and to re-

ceive the consideration of said sale and account therefor to the State and parish treasurer.

SHERIFF OF ORLEANS.

147. The Sheriff of the different courts sitting in the parish of Orleans is empowered to require security for his fees of office, which fees shall be demandable from the plaintiff sixty days after the opening of all suits, on their detailed certificate, approved by the Judge or Clerk of the respective Courts; the same clause shall be applied to the recovery of taxes on judgments, and on the refusal or neglect of the plaintiff to pay in either case, the matter shall immediately be decided by a court of competent jurisdiction.

Sheriff authorized to require security for fees. When demandable.
1842.
212; 2

148. It shall be the duty of the sheriff of the parish of Orleans to render once every three months, separate accounts, (corresponding in date with the lists of the clerks,) of all sums collected by him for fines, on account of suits in each of said courts, and to pay over the amount thereof to the parish Treasurer, and take his receipt therefor. If the tax in any case remain uncollected, he shall state the reason why it has not been collected.

Sheriff of Orleans to render accounts.
1839.
48; 12

149. It shall be the duty of said sheriff to cause to be recorded in the conveyance office, in the city of New Orleans, all judicial sales of real property and slaves made by him, besides having said sales recorded in the clerk's office as is now required by law.

Sheriff of Orleans, to record in Conveyances office in New Orleans, all sales passed by him.
1841-17; 13.

150. It shall be the duty of the sheriff of the parish of Orleans, every month, to transmit to the Board of assessors of taxes in the parish of Orleans, a list of all the real estates, situated in the parish of Orleans, seized and sold by him, which list shall contain the names of plaintiffs and defendants, the name of the purchaser, and the size and situation of the property sold.

Sheriff of Orleans, to transmit to Board of Assessors, a list of real estates, seized and sold by him.
1840-31; 9

151. In case the sheriff shall refuse or neglect to comply with the provisions of the preceding section, he shall be liable to a fine of five hundred dollars for every offence, for the benefit of the parish of Orleans, to be recovered before any competent tribunal on the demand of the Board of Assessors.

Penalty in case of refusal.
1840-31; 10

182. The sheriff of each and every parish of this State, except the parish of Orleans, shall collect the State Tax for said parish.

1850-138; 36

JURIES.

1. The qualifications of a juror to serve in any of the courts of this State, shall be the following: 1st To be a free white male citizen of the State of Louisiana: 2nd To be of full age and sound mind: 3rd Not to be an apprentice, or an indentured or a domestic servant: 4th Not to have been adjudged guilty of any crime punishable, according to the laws of this State, with death or imprisonment at hard labor: 5th To have resided at least twelve months before a new venire is formed, in the parish or district in which the jury is summoned.

Qualifications of jurors.
1831.
112; 1

2. No property or tax qualification shall be necessary to constitute a competent juror in any of the courts of this State.

Jurors not required to have property or tax qualification.
1846-86; 1

3. The following persons shall be exempt from serving as jurors: 1. The members of the Legislature together with their officers and clerks, during the time of the sessions: 2. The gover-

Persons exempt from serving as jurors.

nor, the Secretary of State, and all the public officers commissioned under the authority of the United States: 3. The Mayors and Records of the divers incorporated cities: 4. The judges, the officers of the several courts of this State, the attorneys and counsellors at law, the notaries, the ministers of the gospel, and treasurers of the divers incorporated administrations or institutions: 5. All persons more than sixty years old, or those that may be infirm or valetudinary: 6. Physicians and Apothecaries: 7. The Inspectors of beef and pork, flour, tobacco and other merchandize in the city of New Orleans: 8. Auctioneers for the parish and city of New Orleans and consular agents for foreign nations, except that these latter are subject to special jury duty: 8. Directors of public schools throughout the State, while acting in the capacity of public school directors: 10. All persons attached to the city Guard of New Orleans; as likewise the treasurer and comptroller, and all clerks employed in the different offices of the corporation, and those who are charged with the superintendence of the slaves and convicts sentenced to hard labor, the keeper of the city prison, the workmen employed at the city works, and the city commissaries are exempted from serving on juries, whether in civil or criminal cases.

4. Each of those persons who now or hereafter may be enrolled active members in any one or more of the present or future incorporated fire companies within the parish of Orleans, and who may serve as firemen for a period of six years after the age of eighteen years, and who, while thus serving, are also members of the Firemen's Charitable Association, shall, during the period of such service, and thereafter, be exempt from any jury or militia duty within the State of Louisiana, except in cases of invasion or insurrection: Provided, that in every case in which any person may claim the privileges granted by this act, he shall exhibit to the President and Secretary of the Firemen's Charitable Association, a certificate or certificates of time of service and honorable discharge, signed the commanding officer and secretary of the incorporated fire company or companies in which he has been enrolled, and if the said president and secretary shall find that he has served, singly or collectively as an active member in one or more of said incorporated fire companies, and been a member of the Firemen's Charitable Association during the term of six years, it shall be their duty to furnish each of such persons with a certificate in duplicate accordingly, and receive from each of such persons a contribution of five dollars for the benefit of said Firemen's Charitable Association, one of which certificates shall be filed in the archives of the sheriff of the parish of Orleans.

5. The directors of public schools throughout the State, be and are hereby exempt from jury duty, while acting in the capacity of public school directors.

JURIES, EXCEPT IN THE FIRST DISTRICT COURT.

6. In every year, each of the Sheriffs in this State, except those within the First Judicial District, jointly with not less than two freeholders of his parish, shall form agreeably to their particular knowledge, a list of the inhabitants of their respective parishes that, in their judgment, they may consider capable of

1826.
46; 3

1835.
233; 17
1842.
28; 1

1834.
140; 9

1850.
202; 1

Directors of public schools exempted from jury duty.
1850.
36; 1

Rule for drawing juries, except in First District.
1840
27; 1.

fulfilling the duties of jurors in the district courts : Provided that the number of inhabitants inscribed on said list shall not exceed two hundred, and consist of at least one hundred, if so many competent jurors are found in said parish : which list, duly signed and certified by said Sheriff and freeholders, shall by the Sheriff be transmitted to the Clerks of the District Courts of their respective parishes. And provided, also, that the Sheriff and freeholders shall, as far as possible, avoid placing on the list the names of those individuals who have served as jurors according to the previous jury list.

1846.
65; 11.

7. It shall be the duty of the Clerks of said District Courts, to write on ballots the names of the persons composing said lists, and put said ballots in a box shut with two locks, one of the keys of which shall be kept by the Clerk of the District Court, and the other by the Sheriff.

Duty of Clerk to write names of persons and put them in box.

1846.
65; 11.

8. At least twenty days before each jury session of the District Court, the Clerk of said Court, in presence of the Sheriff and two freeholders of the parish, shall draw from said box not less than forty-eight ballots, and the same Clerk shall deliver to the Sheriff of the Parish, a certified list of the names of the persons so drawn, and it shall be the duty of the said Sheriff to summon said persons to serve as grand and petit jurors at the ensuing term of said District Court : Provided that, in case of absence, death, or sickness of the Sheriff, the duties hereby required of him, may be performed by any duly commissioned justice of the peace of the parish.

Twenty days before Session, jury to be drawn and notified.

1846.
65; 11.

9. In any case when a jury selected shall be set aside by the Court, on account of any defect or informality whatsoever, it shall be the duty of the Clerk of the District Court to give immediate notice thereof to the Sheriff, or in case of his death, sickness, or absence, to some justice of the peace, whose duty it shall be to draw a new set of jurors instantler, under the provisions and formalities heretofore required, which said jurors shall be summoned to appear instantler, and serve as jurors, the twenty days required being in such case waived, and the said Court shall not be adjourned, except from day to day, till such jury can be convened : Provided, that such session be not continued so as to interfere with any regular session of said Court in another parish.

Jury set aside for defect or informality, how new jury to be drawn.

1846
65; 11

10. All or any objections which might or could be made, on account of any defect or informality which may have occurred, either in the formation, drawing or summoning of said juries, or any other defect whatsoever, in the construction of said juries, shall be made on the first day of the terms of said District Courts, and not afterwards.

Objections on ground of defect or informality to be made on first day of term.

1846
66; 11

11. As soon as any number of the jurymen, whose names shall be on the list made out for the term, shall have met together the Court may proceed to cause the jurymen who are present to be called and sworn, without complying with the formality of drawing a jury for each case, as prescribed by the article 496 of the Code of Practice.

Jury not to be drawn in each case.

1826
46: 5

12. Although one or more of the jurymen on the list should be wanting of the qualification required by law, it shall not be a

Juryman on the list wanting qualification no cause

for challenge to the array.

1826
46; 6

cause sufficient to challenge the whole array, but it will only be an exception to the poll: reserving to the Court, in case the jury should not be complete, on account of the challenges or otherwise, the right to cause to be summoned, a certain number of persons present having the legal qualifications, in order to complete it.

1825.
24, 1.

13. In all civil and criminal causes, in which the State, the Parishes, or the politic or religious incorporations except the Banks and other monied Institutions are interested, it shall not be a sufficient cause to challenge any of the Jurors, who are called to serve in the said cause, to allege that they are citizens or inhabitants of the State, or of the said Parishes, or members of the said politic or religious incorporation or that they pay any State, parish or city tax.

No Juror challenged as exempt or related beyond the sixth degree.

1831, 112, 3.

14. No juror shall be challenged by either party, on the ground that he is exempted by law from serving on juries, nor on the ground that he is related or allied to either party, unless such relationship or alliance be within the sixth degree, according to the computation of the civil law.

Charge in writing to jury, if either counsel require it.

1831.
114, 8.

Trial by jury in cases involving fees or compensation

1850.
260, 1.

15. In all cases appealable to the Supreme Court, it shall be the duty of the Judge to deliver his charge to the jury in writing, if the counsel of either party require the same.

16. In any suit or proceedings when a fee or compensation not established by law be involved, it shall be allowed to either party to pray for a trial by jury, whether said fee or compensation be claimed from an insolvent estate or a succession, whether by way of opposition or otherwise.

Jury may qualify verdict in capital cases.

1846.
118, 1.

Punishment under such verdict.

1846.
118, 2

17. In all cases where the punishment denounced by law is death, it shall be lawful for the jury to qualify their verdict by adding thereto, "without capital punishment."

18. Whenever the jury shall return a verdict, qualified as aforesaid, the person convicted shall only be sentenced to hard labor for life, in the State Penitentiary.

Slaves accused of capital crimes, how tried.

1827.
114, 2.

19. Whenever it shall be necessary to try any slaves accused of capital crimes, or crimes not capital, the jury of the six inhabitants, freeholders, chosen by the District Judge shall be regularly summoned, and their attendance enforced, in manner pointed out by law for common juries.

GRAND JURY.

Grand Jury to inspect and report on prisons.

1814.
38, 3.

20. The Grand Jury summoned for the District Courts are hereby required to inspect the prisons within their respective districts at each session of the District Courts, and make report to the Judges of said Courts, of the manner in which such prisoners are treated: and if any of the said Sheriffs, Jailors, Prisonkeepers, or any of their deputies should be presented by them for not having complied with the provisions of law, he or they shall be fined in a sum not exceeding two hundred dollars, to be recovered before any competent court.

Foremen of grand juries to administer oath to witnesses.

1848.
103, 1

21. The foremen of grand juries of this State may administer the oath required by law to witnesses brought before them during their respective sessions.

COMPENSATION TO JURIES AND GRAND JURIES.

22. Any person regularly drawn and summoned to serve as a

grand or petit juror, or summoned to serve as a juror de talibus at the several District Courts of this State, not hereafter excepted, shall be allowed the sum of one dollar and fifty cents for each day he shall attend such court, and the sum of six and one quarter cents for every mile he shall necessarily travel in going to court and returning home, to be paid as hereafter provided for ; Provided, that mileage shall in no case be allowed to a juror for more than once going to and returning from the court during the same term.

Compensation of
jurors.
1823
58, 1

23. It shall be the duty of the Clerks of said courts, immediately after the jurors shall have been discharged, to make out and deliver to each juror a certificate, specifying the number of days that he has attended, the distance for which he shall be entitled to mileage, and the amount due, which shall be ascertained by the oath of the juror, to be administered by the clerks, and such certificate shall be receivable in payment of the parish tax, or paid out of any monies in the parish treasury not otherwise appropriated.

Certificate to be
given to jurors by
clerk.
1823.
60, 2

JURIES IN FIRST DISTRICT COURTS.

24. The jurors for the District Courts of the parish of Orleans, shall be drawn by the sheriff of said parish, whose duty it shall be to be the keeper of the jury box ; but said sheriff shall be assisted in the drawing of the juries by the clerks of the respective courts, and the jurors drawn shall be summoned by the sheriff.

Jurors for district
Courts of parish of
Orleans to be
drawn by sheriff.
1841.
16, 2

25. In the First Judicial District, the jury may be drawn at any time before the term when they are to serve ; Provided it be done at least fifteen days before they are summoned.

When jurors may
be drawn in First
Judicial District
Courts.

26. In future, it shall be necessary to draw and summon for the District Courts, sitting in the city of New-Orleans, at least thirty six jurymen, to serve in each of said courts.

1826.
44, 2.
Number of jurors
to be drawn in
New Orleans.

27. It shall be the duty of the sheriff of the parish of Orleans, in the month of December, and so in every succeeding year, to furnish a list of all the white male persons above the age of twenty one years, not exempt from jury duty, and residing within the limits of the parish of Orleans, which said list shall serve for the drawing of the juries.

1827.
14, 1
1830.
34, 3
1850.
122, 1

28. In case this provision, which requires the list to be furnished in the month of December, of each year, should not be complied with, the sheriff shall apply to the District Courts, setting forth the cause or causes that have prevented him from complying with said provision, and the said District Courts shall thereupon give an additional time, according to the circumstances of the case, to be judged of by said courts, for completing and furnishing said list, and said application and order shall be entered of record by said courts.

1850.
34, 6

29. In the month of December, it shall be the duty of the sheriff of the parish of Orleans, to make out the list of jurors in the manner required by existing laws. It shall be the duty of said sheriff to draw from the jury box the names of the jurors and to continue so to draw for each successive jury until all the names in said box have been drawn out, and no person shall be required to serve a second time upon the jury until all the names have been drawn from the box, and whenever said box shall be

Manner in which
the list of jurors
for parish of Or-
leans is to be made.
1850.
122, 1 to 3

emptied, the sheriff shall return all the names upon the jury list into the jury box and commence a new drawing ; said drawings to be made according to the manner prescribed by existing laws. If the name of any person has been drawn from the box and such person has been excused from serving or neglected to serve upon the jury for which he was summoned, the sheriff shall replace the name of such person in the jury box subject to be drawn with the other names in said box.

Compensation to jurors in First District Court in criminal cases.

1850.

123, 4
When additional number of jurors may be drawn.

1831.

112, 3

Defect in number of jurors drawn, no cause to challenge the array.

1831.

112, 4

Special juries, when allowed.

1807.

168, 1

1831.

114, 6

Pay of jurors in city of New Orleans.

1841.

17, 17

List of jurors for parish of Jefferson to be made by the sheriff, when and how.

1846.

110, 1

30. The jurors in the First District Court of New Orleans, in criminal cases, shall receive one dollar and fifty cents a day, while performing jury duty.

31. If at any time, the number of jurors drawn to serve in any Court of the First District of this State, should become insufficient for the good and speedy administration of justice, the judge of said court is authorized to direct that such an additional number of jurors as he shall consider requisite, shall be drawn according to law, on such a day as he shall appoint ; and if it should happen that the said drawing be not then made, the judge shall fix another day for that purpose.

32. It shall not be deemed a good cause to challenge the array, that the number of jurors actually drawn at any time was not the exact number required by law.

SPECIAL JURIES.

33. In all cases when the judge of one of the District Courts of New-Orleans shall be of opinion that the matters to be submitted to the decision of any jury are of such a nature as to require certain information peculiar to certain occupations or professions, then, and in that case, the judges are empowered, at the request of either of the parties, to direct to be summoned a sufficient number of jurors, being of the occupation, profession or trade, an acquaintance with which is more particularly necessary for the decision of the cause.

PAY OF JURORS IN NEW-ORLEANS.

34. The jurors for the city of New-Orleans shall be entitled to a compensation of one dollar for every cause in which they find a verdict, to be charged among the costs, but shall be advanced by the party when he files his petition or answer praying for the trial by jury, otherwise said prayer shall be disregarded, and the case tried by the court ; and the cases now pending in which a trial by jury is asked for, shall be stricken from the jury docket unless the compensation to be allowed to jurors is advanced by the party demanding a trial by jury,

JURIES OF THE PARISH OF JEFFERSON.

35. On the third Saturday in each year, the sheriff of the parish of Jefferson, or in case of his death, any justice of the peace for said parish, jointly with not less than two freeholders of said parish, [whom the sheriff or such justice of the peace shall summon for that purpose] shall form a list of the inhabitants of said parish, as are by law competent to perform the duties of jurors, to the number of not less than one hundred and fifty, nor more than five hundred and seventy-six. Which list, duly signed and certified by the said sheriff, [or said justice] and said freeholders, shall be deposited with the clerk of the court

for the said district; Provided that the names of persons residing in the districts of Barataria and sea shore shall not be inserted therein.

36. It shall be the duty of the Clerk of the said District Court and the sheriff of the parish of Jefferson, or either of them, to write on ballots the names of the persons composing said lists and put the said ballots in a box, shut with two locks, one of the keys of which shall be kept by the said sheriff, and the other by the clerk of the said court.

Names of persons
to be written on
ballots and placed
in a box.
1846
110, 2

37. During the last week in each calendar month the Sheriff of the Parish of Jefferson, or his deputy, together with the clerk of said court or his deputy, shall draw from the said jury box forty-eight names of persons duly qualified to act as jurors for the ensuing term, consisting of one calendar month, beginning on the first Monday thereof, to serve as petit jurors in said court during said term, and they shall be summoned to attend said court accordingly: provided, that during the week preceding each of the terms beginning on the first Monday in January, the first Monday in April, the first Monday in July, and the first Monday in October, there shall be drawn sixty-four names of persons qualified to act as jurors; out of which said sixty-four persons so drawn there shall be selected by the Sheriff and clerk aforesaid, or their deputies, under the direction of the court, a grand jury, to consist of sixteen persons, who shall be empanelled and sworn to serve during a term of three months, beginning on the first Monday thereof: and the remaining persons shall be empanelled to serve as petit jurors during the term of one month, as aforesaid: provided further, that whenever a jury selected as aforesaid, or any number thereof, shall be set aside by the court for any defect or irregularity whatsoever, or on account of challenges, the said court shall order a new set of jurors, or such number qualified to serve as jurors, as shall be deemed necessary by the court, to be drawn and summoned instantler, under the provisions of this law, and to serve during the balance of said term.

Sheriff of Jeff-
erson how to draw
jurors.
1848
153, 1.

38. All or any objections which might or could be made, on account of any defect or informality which may have occurred either in the formation, drawing or summoning of juries, or any other defect whatsoever in the construction of said juries, shall be made on the first Monday of each term respectively and not afterwards.

All objects on
ground of defect or
informality to be
made on first Mon-
day of term.
1846.
111, 4.

39. In all suits which may be instituted before the District Court of the Third Judicial District, the party who prays for a trial by jury shall be bound to advance and deposit with the Clerk of said Court, twelve dollars as a jury fee, otherwise the prayer for a jury trial shall be disregarded, and the suit shall be tried by the Court; and out of such jury fee, on the rendition of the verdict, the Clerk shall pay to each juror one dollar.

Jury fee of twelve
dollars to be paid
in advance in Jef-
ferson.
1847.
214, 1.

40. In every criminal case before said court, each member of the jury which shall have rendered a verdict, shall be entitled to a compensation of one dollar: and all fines, penalties and forfeitures decreed by said court, shall be collected by the Sheriff of the Parish, and shall be by him paid over to the clerk of said

Compensation to
jurors of Jefferson
in criminal cases.
1847.
214, 3.

court, as a special fund, out of which the aforesaid compensation shall be paid; and said clerk shall make out and insert on the first Monday of every month, on the minutes of the court, a true account of all monies so received by him from the Sheriff, and the amount paid out therefrom to jurors: provided, that in all cases wherein the party found guilty shall be able to pay the costs of prosecution, said compensation shall be included in the costs, and paid by the party condemned.

Lafayette Rifle-
men exempted from
jury duty.
1850.
11

41. The officers and members of the Lafayette Riflemen, a volunteer company of the city of Lafayette, parish of Jefferson, to the number of seventy-five, shall be exempt and free from the performance of jury duty in said Parish; which exemption shall be in consideration of said company's performing police and guard duty for the protection of property at fires that may occur within the limits of said city: and that said exemption shall continue no longer than the said company shall continue its efficient organization, and perform the duties above specified, and that once every three months, the captain or other commanding officer of said company, shall report under oath to the Sheriff of the Parish of Jefferson, the names of the active members of said company; and provided, that if said company should fail on three successive regular parades to turn out thirty men rank and file, armed and equipped, as their by-laws may direct them, in that case, this law shall be *ipso facto* repealed.

COMPENSATION OF JURORS OF AVOYELLES.

Pay of Jurors in
Avoyelles.
1841.
79, 2.

42. The jurors of the parish of Avoyelles shall receive out of the jury fund a compensation of two dollars per day during their attendance at court, together with the usual mileage going from and returning home.

OF TERREBONNE, LAFOURCHE INTERIOR, ASSUMPTION AND LAFAYETTE.

Pay of Jurors in
Terrebonne, La-
fourche Interior,
Assumption and
Lafayette.
1835.
240. 1.

43. Any person regularly drawn and summoned to serve as grand or petit juror, or juror *de talibus*, at the district courts of the Parishes of Terrebonne, Lafourche Interior, Assumption and Lafayette, shall be allowed the sum of one dollar for each and every day he shall attend such courts, and the sum of six and one quarter cents per mile for every mile he shall necessarily travel in going to said courts and returning, to be paid as hereinafter provided for: provided, that mileage shall in no case be allowed for more than once going to and returning from said courts during the same term.

OF CLAIBORNE AND ST. LANDRY.

Pay of Jurors in
Claiborne
1823.
48, 1,
1837.
83, 2.
Pay of jurors in
St. Landry.
1837.
88, 1.

44. The jurors in the Parish of Claiborne shall receive a compensation of two dollars for each day attending court, and six and a quarter cents per mile for every mile necessarily travelled in going and returning.

45. The grand and petit jurors of the Parish of St. Landry shall receive an additional compensation of fifty cents per day, to be paid as already provided for by law.

OF NATCHITOCHES AND CLAIBORNE.

Pay of jurors in
Natchitoches and

46. The jurors of the Parishes of Natchitoches and Claiborne shall receive the same compensation, to be paid in the same man-

ner as the jurors of the Parish of St. Landry, all laws to the contrary notwithstanding. Calborne.
1837.
82, 2.

JURIES IN WEST FELICIANA.

47. The number of jurors drawn in the Parish of West Feliciana for the jury terms of the court for said Parish are increased from forty-eight to ninety-four. The first sixteen jurors whose names shall appear on the list drawn by the clerk of the court of said Parish shall constitute the grand jury, if present when their names are called on the first day of the term of said court. The remaining seventy-eight jurors shall constitute the petit jury for said Parish, and the said petit jury shall be divided by the clerk and Sheriff of said Parish into three equal lots or parcels as their names shall appear on the list drawn by the clerk of said Parish. It shall be the duty of the Sheriff to summon the first lot or parcel of said jurors for the first week of the jury terms of said court, the second lot or parcel of said jurors for the second week, and the third lot or parcel of said jurors for the third week of said court. In no case shall any juror be compelled to serve longer than the week for which he is summoned; provided, however, that should any such juror be engaged and empanelled in his said capacity as juror in any suit or cause on trial at the termination of his said week, he may be retained by the court until such matter be disposed of by said court. Number and formation of juries in West Feliciana.
1850.
39. 1 2, 3 4 and 5.

COMPENSATION OF JURORS OF THE PARISH OF RAPIDES.

48. Persons serving as jurors in the Parish of Rapides shall receive a compensation of two dollars for every day which they shall be in attendance as jurors, and ten cents per mile going to and returning from the sessions of the Court; said compensation to be paid by the Parish. Pay of Jurors in Rapides.
1847
80; 1

49. The Police Jury of the Parish of Rapides is instructed and required to keep on hand sufficient means to enable the treasurer of said Police Jury to pay off and settle with the jurors of the Parish every Saturday night during their attendance. Police Jury of Rapides to provide means for payment of Jurors.
1847
80, 2

50. The jurors of the Parishes of Ascension and Iberville, residing on the east side of the Mississippi River, are exempted from the payment of any ferriage in going to and returning from the Courts of their respective Parishes, during their attendance as jurors upon the same. Jurors of Ascension and Iberville exempt from paying ferriage.
1843
107, 1

51. Any person or persons keeping a ferry in either of said Parishes, who shall demand or receive ferriage from any juror, knowing him to be such, residing in the Parish where the ferry is kept, and who is exempted from paying the same, shall, on conviction thereof before the District Court, or any other Court of competent jurisdiction, be fined not less than ten, nor more than twenty dollars, and costs of suit, upon motion made by the District Attorney of the District in which such offence shall be committed, or by any other person. Penalty for charging ferriage to Jurors of Ascension and Iberville.
1843
107, 2

52. All fines so collected shall be paid by the Sheriff into the hands of the Parish Treasurer of the Parish in which said offence shall be committed. How such penalty to be disposed of.
1843
107, 3

PARISHES OF POINTE COUPEE, EAST FELICIANA, CARROLL, MADISON, CONCORDIA, CATAHOULA, ST. MARTIN, ST. JOHN THE BAPTIST, ST. JAMES, AND ASCENSION.

Pay of jurors in
Pointe Coupee,

53. The jurors of the Parish of Pointe Coupée shall receive a compensation of one dollar and a half each day attending Court, and six and a quarter cents per mile for every mile necessarily travelled in going and returning.

Pay of jurors in
East Feliciana.

54. The grand and petit jurors in and for the Parish of East Feliciana shall be entitled to receive the sum of two dollars per diem for their services as jurors.

1810
\$15 ; 1

Pay of jurors in
Carroll, Madison,
and Concordia

55. In all cases hereafter, each juror shall receive in the Parishes of Carroll, Madison, and Concordia, one dollar and fifty cents a day for each day he attends Court as juror, and no more.

1843
4 ; 1

Pay of jurors in
Catahoula.

56. The jurors of the Parish of Catahoula shall receive out of the jury fund, a compensation of two dollars per day during their attendance at Court, together with the usual mileage going from and returning home.

Pay of jurors in
St. Martin.

57. Each juror in the Parish of St. Martin shall receive during his attendance in Court, and until discharged by said Court, the sum of two dollars per day.

1850
186

Pay of jurors in
Fourth Judicial
District.

58. Any person regularly drawn and summoned in the Parishes of St. Charles, St. John the Baptist, St. James, and Ascension, composing the Fourth judicial District, to serve as grand or petit jurors in the said Fourth judicial District, shall be allowed the sum of one dollar and fifty cents for each day he shall attend such court, and the sum of five cents for every mile he shall necessarily travel in going to and returning from the Court-house : Provided, that mileage shall in no case be allowed to a juror for more than once going to and returning from the court during the same term. And it shall be the duty of the several clerks of courts in said Fourth Judicial District, immediately after the jurors shall have been discharged, to make out and deliver to each juror a certificate specifying the number of days that he has attended, the distance for which he shall be entitled to receive mileage, and the amount due : which shall be ascertained by the oath of the juror to be administered by the clerk, and such certificate shall be receivable in payment of the parish tax, or paid out of monies in the parish treasury not otherwise appropriated.

1850
49

JUSTICES OF THE PEACE.

1. The jurisdiction of Justices of the Peace shall never exceed in civil cases the sum of one hundred dollars, exclusive of interest, subject to appeal to the District Court in such cases as shall be provided for by law. They shall be elected by the qualified voters of each Parish for the term of two years, and shall have such criminal jurisdiction as shall be provided for by law.

Constitution, Art. 81.

POWERS AND DUTIES OF JUSTICES OF THE PEACE, EXCEPT OF NEW ORLEANS AND JEFFERSON.

2. Justices of the peace shall have jurisdiction when the amount claimed or value of the object in dispute does not exceed one hundred dollars exclusive of interest, subject to an appeal to the District Court, in all cases where the amount sued for, or the

Jurisdiction of
justices of the
peace--appeal from
justices.

value of the object in dispute exceeds ten dollars : Provided that this section shall not be construed to extend the jurisdiction of justices of the peace over other objects of property than those embraced by existing laws.

3. Justices of the peace may celebrate marriages within their respective parishes.

1846
69. 1

May celebrate marriages in their parishes

1846
69. 2

GENERAL PROVISIONS.

4. Whenever it shall be necessary to take the depositions of witnesses in this State, under commissions from any other State or Territory, to be used as evidence in suits depending in any other State or Territory, it shall be lawful for any justice of the peace, within this State, on the application to that effect, made by the commissioner of such State or Territory, to use, if necessary, the same compulsory process to cause witnesses to appear and depose as in cases arising under the jurisdiction of any of the Courts of this State.

In executing commissions from other States, may resort to compulsory process.

1843.
106. 1

5. Justices of the peace are hereby authorized to swear into office Deputy Sheriffs.

May swear in deputy sheriffs.

1848.
92, 1

ELECTION OF JUSTICES OF THE PEACE, EXCEPT IN THE PARISHES OF ORLEANS AND JEFFERSON.

6. An election shall be held in each of the police jury wards of the several Parishes of the State, on the first Monday of November, 1847, and every two years thereafter, for the election of Justices of the peace.

When elections shall be held.

1846.

7. At the elections to be held, as many justices of the peace shall be elected, in and for each ward in the several Parishes, by the qualified voters, residents of the ward, as the people of each of the wards respectively, are now entitled by law to elect members to the police jury ; but in those wards in which there is an incorporated town, or a town containing three hundred inhabitants, there shall be elected two justices of the peace, and the person receiving the greatest number of votes polled for justice of the peace within each ward, at any election, shall be deemed elected for the same.

Number of justices to be elected.

1846
70. 2

8. The elections to be holden for justices of the peace for the several wards, shall be held at the same places, and in the same manner as elections are now required to be held for members of the Police Jury.

Where and how elections shall be held.

1846
71, 3.

9. The returns of each ward shall be made to the Sheriff of the Parish, and the said Sheriff shall make return of the same to the Governor of the State, whose duty it shall be to issue commissions to the persons elected as justices of the peace, and the said justices shall enter upon the discharge of their duties so soon as they shall have received their commissions, and taken the oath required by the Constitution, and said justices shall remain in office until their successors shall have been elected and qualified.

Returns of election to be made by the Sheriff.

1846.
71, 6.

10. In case of death, resignation, or removal of any of the justices of the peace from their respective wards, the parochial authorities shall be required to order an election to fill the vacancy so occasioned.

How vacancies are to be filled.

1846.
71. 7.

11. The citizens of the police jury ward of the Parish of St. Helena, in which is situated the Parish site (Greenburg) of said

Police jury ward, No. 2, of St. Helena to have a

ditional justice: Parish, shall be authorized to elect an additional justice of the peace in the said Ward (No. 2) who shall reside within one half mile of the said town of Greenburg.

1848.
12, 1.
Elections in East of the Parish of East Baton Rouge, on the third Monday of November, eighteen hundred and forty-nine, and every two years thereafter, for the election of justices of the peace and constables for said Parish.
1848.
103; 1

Two additional justices in the Parish of Bossier. be authorized to elect two justices of the Peace for said ward, one of whom shall reside at the Parish site.
1847
123, 1.

One additional justice in Parish of Claiborne. Flat Lick Ward, in the Parish of Claiborne, and the president of the police jury is authorized to order said election.
1848.
12, 3.

Additional justice in Parish of Sabine. Parish of Sabine are authorized to elect an additional justice of the Peace in said ward, who, when elected, shall hold his office at the town of Manny, in said ward and Parish, and until the next general election and until his successor shall have been duly elected and qualified: and it shall be the duty of the Governor to commission said officer within the time required by law, after having been notified thereof by the Sheriff of said Parish.
1850
79

Justices in Parish of Caddo. shall be allowed two justices of the peace, and ward number seven in said Parish, one justice of the peace and one constable.
1850.
21

Justices in Parish of St Martin. of St Martin, for as many justices of the peace as there are members of the police jury in the said ward, who shall serve until the next general election in November, eighteen hundred and fifty one, and until their successors are qualified: said election to be held at such time and place in said ward as the Sheriff of the Parish of St. Martin may designate after the usual notice.
1850.
177

Justices in Parish of Washington. Parish, shall be authorized to elect an additional justice of the peace in the said ward, (No. five) who shall reside within one half mile of the said town of Franklinton, and who shall be commissioned and hold his office until the next general election under the Constitution.
1850
9

JURISDICTION AND NUMBER OF JUSTICES OF THE PEACE IN AND FOR THE PARISH OF ORLEANS.

Six Justices for parish of Orleans, and at every general election thereafter, there shall be elected by the qualified voters of said parish, six Justices of the Peace, whose jurisdiction, duties, powers and emoluments, shall be as hereinafter designated, and as designated in the Constitution of this State.
1846.
78; 1

The six Justices how elected. shall be elected by the duly qualified voters of said parish, in the manner following: one by the qualified electors of the first and second representative districts; one by the qualified electors of the third representative district; one by the qualified electors of the
1846.
78, 2

fourth representative district: one by the fifth and sixth representative district; one by the seventh, eighth and ninth representative districts: and one by that part of the parish of Orleans on the right bank of the river: and said Justices shall hold their courts in their respective districts.

21. The Justices of the Peace for the parish of Orleans shall be designated as follows: the Justice located in the district between Felicity Road and Julia street, shall be designated and styled "First Justice of the Peace for the Parish of Orleans:" the Justice of the Peace located in the district between Julia and Canal streets, shall be designated and styled "Second Justice of the Peace for the Parish of Orleans:" the Justice located in the district lying between Canal and St. Louis streets, be shall designated and styled "Third Justice of the Peace for the parish of Orleans:" the Justice of the Peace located in the district lying between St. Louis and Esplanade streets, shall be designated and styled "Fourth Justice of the Peace for the Parish of Orleans:" the Justice of the Peace located in the Third Municipality, shall be designated and styled "Fifth Justice of the Peace for the Parish of Orleans:" and the Justice of the Peace located in that part of the Parish of Orleans which lies on the right bank of the Mississippi river, shall be designated and styled "Sixth Justice of the Peace for the Parish of Orleans."

Their location.
1846.
78; 3

22. The returns of elections of said Justices of the Peace, shall be made to the Secretary of State, and the Governor shall grant a commission to those duly elected, in which he shall designate the district for which the parties were elected: but said commission shall not be delivered to any of said Justices of the Peace, unless they have taken respectively the oath prescribed by the Constitution and Laws of the United States and of the State of Louisiana.

Returns how
made, Commissions
how to issue.
1846.
79; 4

23. The Justices of the Peace of the parish of Orleans, except as hereinafter otherwise provided, shall have power to hear and determine all civil causes, except those of a real nature, when the amount in dispute does not exceed one hundred dollars, exclusive of interest and costs. Their jurisdiction shall be concurrent and shall extend over the parish of Orleans, with the exception of that portion of said Parish which lies on the right bank of the Mississippi river; with this restriction, that said justices of the peace shall possess all the power and perform all the duties now imposed by law upon the associate Judges of the city Court of New Orleans; they shall also be empowered, and it shall be their duty to issue marriage licenses when legally required, in accordance with existing laws: to keep a record of the same, and to celebrate marriages, of which they shall also keep a record: and it shall be the duty of said Justices to deliver the said records to their successors in office.

Their jurisdic-
tion.
1846.
79; 5

24. Each of the said Justices of the Peace for the parish of Orleans, with the exception of the Justice who shall be located in that part of the parish of Orleans, situated on the right bank of the Mississippi river, shall receive an annual compensation of two thousand dollars, payable quarterly out of the State Treasury: Provided, however, that should the revenue accruing and paid

Salary and per-
quisites.
1846.
9; 7

into the State Treasury from the tax to be imposed by law, on suits brought in any Justice's courts, not amount to two thousand dollars, then the Justice of said court shall receive only such sum as may accrue to the State Treasury from said tax imposed on suits brought in the court, over which he presides. They shall also be entitled to the following perquisites, viz: For every marriage license issued by any of them, they shall be entitled to charge two dollars; for every affidavit taken before them, not connected with suit brought before them, they shall be entitled to charge twenty five cents. The compensation of the Justice of the Peace, who shall be located in that portion of the parish of Orleans, situated on the right bank of the Mississippi river, shall be as hereinafter provided for.

Rules of Court
how made.
1816.
79; 8

25. It shall be the duty of the Justices of the peace of the parish of Orleans, to meet together once a year, and, as often afterwards as may be necessary, enact uniform rules for their several courts, which said rules when adopted by a majority of said justices, and when not repugnant to the Constitution and laws of the State, shall be hung up in their several court rooms, and be observed by the Justice and the officers in the several Justices' Courts.

Their office hours.
Penalty.
1846.
80, 9

26. It shall be the duty of said justices of the peace to keep their offices open and to attend therein on every day of the year, [legal holydays only excepted,] from nine o'clock A. M. till two o'clock P. M. and from four o'clock P. M. to six o'clock P. M. and for every day that any of said justices shall fail to attend at his court, as by this section required, except in case of sickness of himself or any of his family, he shall forfeit the sum of ten dollars, to be deducted out of his salary.

Monthly returns
to be made to State
treasurer.
1846.
80, 10

27. It shall be the duty of each justice of the peace to make monthly returns, under oath, to the State treasurer, of all suits brought in the court over which he presides, specifying the amount of tax payable on each suit.

Taxes to be paid
in advance.
1846.
80, 12

28. The following tax shall be paid in advance upon all suits brought before any of the justices of the peace of the parish of Orleans, with the exception of the justice holding his court on the right bank of the Mississippi river, to wit: on all suits in which the amount in dispute does not exceed twenty dollars, a tax of one dollar shall be paid; on all suits in which the amount in dispute is more than twenty and does not exceed forty dollars, a tax of two dollars shall be paid: on all suits in which the amount in dispute is more than forty and does not exceed eighty dollars, a tax of three dollars shall be paid: on all suits in which the amount in dispute exceeds eighty dollars, a tax of four dollars shall be paid: on all suits in which no certain sum is claimed, a tax of two dollars shall be paid.

In appeals, appel-
lant may choose
his District Court.
1846.
81, 15

29. When an appeal shall be taken from any judgment of any of the said justices of the peace for the parish of Orleans, the party appealing shall elect to which of the District Courts his said appeal shall be made returnable, and any of the District Courts, in the parish of Orleans, shall have authority to issue writs of certiorari, prohibition, mandamus, or such other order to said justices of the peace, as may be necessary to carry out

appellate jurisdiction, or to prevent said justices of the peace from exceeding their jurisdiction.

30. Appeals may be taken to a district court, as hereinbefore provided, from all judgments rendered by said justices where the amount in dispute exceeds fifty dollars.

Appeals allowed for sums over fifty dollars.

1846.

81, 16.

31. Justices of the Peace may enter on their record a minute stating the names of the witnesses and designating the documents read or offered, and such minutes shall be received on the trial of appeals as proof of the fact.

Form of record of appeal.

1846.

81, 17.

32. No appeal shall be taken from judgments of Justices of the Peace after the expiration of ten judicial days from the notification of the judgment to the party cast.

Time for taking appeal.

1846.

81, 18.

33. If the appellant from the judgment of a Justice of the Peace, fail to appear to prosecute his appeal agreeably to law, it may be dismissed on motion of the appellee, and no other appeal shall be afterwards taken.

If appellant fail to prosecute his appeal. Judgment thereon.

1846.

81, 19.

34. The judgment rendered on appeal from the decisions of a Justice of the Peace shall be sent back to the said Justice of the Peace to put the same in execution.

Appeals how sent back and executed.

1846.

81, 20.

35. Whenever in any suits, or other proceedings before any of said Justices of the Peace, for the Parish of Orleans, any question shall arise involving the constitutionality of any tax, toll or impost of any kind or nature soever, whatever may be the amount thereof, or of any fine, forfeiture or penalty imposed by a municipality corporation, either party shall have the right of an appeal to the Supreme Court of the State of Louisiana, upon giving bond with one good and solvent surety, or a sum exceeding by one half the amount in dispute including costs; and it shall be the duty of said Justice of the Peace, upon application of either of the parties to make out a record containing a complete statement of the facts of the case, and certify the same to said Supreme Court, there to be proceeded in, as in other cases.

Appeal allowed to Supreme Court, in what cases.

1846.

81, 21.

36. The jurisdiction of the sixth Justice of the Peace for the Parish of Orleans, viz: the one located in that part of the Parish of Orleans lying on the right bank of the Mississippi river, shall not extend beyond the sectional limits of that portion of the Parish of Orleans, within which he is required to keep his office, with this restriction, he shall possess all the powers which are bestowed upon other Justices of the Peace for the Parish of Orleans, and shall perform all the duties which are imposed upon them. He shall not, however, receive any salary for his services, but shall receive all other emoluments and perquisites of a like nature with those which are bestowed upon the Justices of the Peace of the Parish of Orleans, and shall further be entitled to charge and receive all fees, which the Justice of the Peace for that portion of the Parish of Orleans has hitherto charged and received, until the same shall be changed or fixed by law.

Jurisdiction of the Sixth Justice of the Peace.

1846.

82, 22.

37. It shall be the duty of each Justice of the Peace in the Parish of Orleans, to receive and pay over into the State Treasury, all monies arising from taxes on suits filed in the court of which he is the presiding officer: he shall render, under oath, monthly returns to the State Treasurer, of all monies so receiv-

Justices to pay over to State Treasury all monies arising from taxes, and to make monthly returns.

1846.

83, 23.

ed, specifying the amount received in each suit, in the order in which they are placed on the docket of said court.

Money to be reserved by Justices for hire of clerks and expenses.
1846.
83, 31.

38. Each of the said Justices of the Peace shall be entitled to retain, out of the amount received by him for fees, such further sums over and above the sum of two thousand dollars already mentioned, as may be necessary to pay for the hire of one clerk, the rent of his office and his office expenses, for blanks, stationery, fuel and other necessary expenditures: provided, however, that he furnish to the State Treasurer, quarterly, a detailed account of his expenditures, sworn to by himself.

How process in criminal cases in parish of Jefferson are to be executed.
1827.
20, 1.

39. All process in criminal cases, issued by any Judge or Justice of the Peace of the Parish of Jefferson, against persons charged with crimes or misdemeanors, conformably to the laws of this State, shall be executed throughout the Parish of Orleans by the officer charged with the execution thereof, without being endorsed by the Judge, or a Justice of the Peace of the said Parish of Orleans.

Penalty in case of suing a person out of his district.
1848.
142, 1.

40. Any person who shall sue another before a Justice of the Peace in any district in which the defendant does not reside, shall, on proof of the non-residence of said defendant, be ordered to pay all the costs of said suits: provided said defendant be a resident of the State, and provided, further, that in case of sickness, absence, resignation, recusation, or other legal disqualification of the Justice in whose district a defendant resides, the plaintiff may bring suit before any other Justice of the Parish of Orleans, without being liable to pay the costs of suit.

In case of sickness or removal, another Justice may act.
1848.
142, 2.

41. In case of the sickness, or pending proceedings for the removal of any Justice of the Peace in the Parish of Orleans, any other Justice in said Parish may act in his stead.

Executions, when issued.
1848.
142, 3.

42. On all judgments rendered by a Justice of the Peace in the Parish of Orleans, from which an appeal does not lie, execution may issue three days after rendition of the judgment, unless in the mean time an appeal has been taken, or some motion made to be relieved against the judgment, such motion shall suspend the execution until it be decided. No motion for relief against a judgment shall be heard, if made more than three days after the rendition of the judgment.

Costs of record of appeal.
1848.
142, 4.

43. Said Justices or their clerks, shall be entitled to demand and receive two dollars for each record of appeal, which sum shall be paid by the appellant on receiving the record.

Fees for executing commissions
1848.
142, 5.

44. Said Justices shall be entitled to demand and receive ten cents for every hundred words of testimony taken under any commission issued in a case pending in any court of this State.

In case of sequestration if defendant fail to bond, plaintiff may.
1848.
143, 7.

45. In actions of sequestration before said Justices, whenever the defendant shall fail or neglect to execute his bond in favor of the constable, with one good and solvent surety, for whatever amount the Justices may determine as being equal to the value of the property to be left in his possession, within three days after the notice of seizure by the constable, it shall then be lawful for the plaintiff, his agent or attorney, to give similar bond and surety to the constable as those required by law from the defendant, and take the property sequestered into his possession.

46. Any of said Justices may have leave of absence during

the month of August, of each year, provided they procure another Justice of said Parish to act in their place.

JUSTICES OF THE PEACE IN AND FOR THE PARISH OF JEFFERSON.

47. There shall be six justices of the peace in and for the parish of Jefferson.

48. No person shall be eligible as justice of the peace in said parish, who shall not at the time of his election possess all the qualifications of an elector of representatives to the Legislature; and any person qualified to vote in said parish for such representatives shall have the right to vote for justices of the peace; Provided, that at the time he offers to vote, he shall have resided full six months in the district in which he offers to vote.

49. Said parish shall be, and the same is hereby divided into five separate justice's wards or districts, as follows, to wit: First, the city of Lafayette shall form one district and shall be entitled to two justices of the peace; Second, all that portion of said parish, embraced within the upper line of Lafayette, and the lower limit of Greenville, shall form another district, and be entitled to one justice of the peace: Third, all that portion of said parish embraced within the lower limit of Greenville and the upper limit of said parish on the left bank of the Mississippi river descending, shall form another district and be entitled to one justice of the peace: Fourth, all that portion of said parish embraced within the lower limit thereof, on the right bank of said river, descending, and the upper limit of said parish, shall form another district, and be entitled to one justice of the peace: Fifth, all that portion of said parish situated on the sea shore, and known as the Grande Isle, Grande Terre, and the Cheniere Caminada, shall form another district and be entitled to one justice of the peace.

50. Said justices shall keep their offices at such points in their respective districts, as will be most convenient for the public; Provided, that out of the city of Lafayette, the police jury may fix the point in the district in which the justice shall keep his office; and provided further, that in the district in which the faubourgs Plaisance and Bouligny are situated, the justice thereof shall keep his office in one or the other of said faubourgs, and that in the district in which the town of Carrollton is situated, the justice thereof shall keep his office in said town of Carrollton,

51. Each of said justices shall be limited in jurisdiction to the district for which he shall have been elected; Provided, that any one of them shall have the right to summon witnesses from any other districts and force their attendance, of such witnesses do not reside more than five miles from the limit of said justice's district, computing the distance by the ordinary travelling route; and provided further, that any person not a citizen of the State may be sued before any one of said justices, and any person residing in a part of said parish not embraced in any of the afore-said districts may be sued before the justice nearest to his residence, computing the distance by the usual travelling road.

52. The jurisdiction in amount of each of the said justices shall extend to and include all demands not exceeding the sum of one hundred dollars, exclusive of interest, with the right of appeal to

Leave of absence when allowed.

1848.

143, 8.

Six justices for parish of Jefferson

1846.

84, 1

Qualifications required.

1846:

84. 2

Parish divided into five wards. Their limits.

1846.

84, 3

Where justices shall keep their offices.

1846.

84, 4.

Limits of jurisdiction to their respective districts. Right to summon witnesses. Persons not citizens may be sued before any one of the justices.

1846.

85, 5

Jurisdiction as to amount and right of appeal.

Appeal how tried

1846.
85, 6

either party to the District Court, from all final judgments, when the matter in dispute exceeds twenty five dollars, exclusive of interest and costs ; Provided, that an appeal may be taken from any judgment relative to the constitutionality or legality of any tax, toll, or impost of any kind or nature soever, whatever may be the amount thereof, as well as from any judgment decreeing a fine, forfeiture or penalty imposed by a municipal corporation, and all appeals from said justices shall be tried *de novo* in the District Court, reserving to either party the right to require the justice to take down the testimony, in writing, which may be used in evidence in the appellate court ; and provided, that the appellate court may, in all cases of frivolous appeals, award damages against the appellant, not exceeding twenty per cent.

Powers of Justices in civil matters : fees.
1846.

85, 7

53. Said justices shall, in all civil matters, within their jurisdiction, be authorized to issue writs of provisional seizure, orders of arrest in civil cases, attachments, commissions to take testimony, &c.; and the modes of issuing, serving and proceeding therein shall be the same as is or may be prescribed by the District Court ; Provided however, that the opposite party shall in all cases be relieved, on motion before the court, if the writ or process issue on insufficient grounds ; and they shall likewise grant marriage licenses in their respective districts, charging a fee therefor, which shall in no case exceed three dollars, and shall within their respective limits, affix seals upon the effects of successions and raise the same according to law, for which duties they shall be entitled to receive a fee not exceeding in any succession the sum of three dollars, and shall have power to perform marriage ceremonies, charging not more than two dollars therefor.

Justices conservators of the peace and to act as examining and committing magistrates. In case of sickness &c justice of adjoining district to act.

1846.

83, 8

Fees of Justices
1846

85, 9

54. Said justices shall, within their respective limits, be conservators of the peace, and shall have power and authority to act as examining and committing magistrates in all criminal matters arising within their respective districts ; Provided, that in case of sickness or inability from any other cause of the justice of one district being prevented from acting, the justice of the adjoining district may act in his place.

55. Said justices are authorized, in all suits instituted before them, to demand and receive as their fees, the following costs to be paid at the time of instituting suit, to wit ; in every case from one to twenty dollars, they shall receive one dollar ; in every case from twenty to forty dollars, two dollars ; in every case from forty to sixty dollars, three dollars ; in every case from sixty to eighty dollars, four dollars ; in every case from eighty to one hundred dollars, five dollars ; in every case where the sum is not specified, two dollars ; for taking down testimony to be used in the appellate court, one dollar ; and said justices may also charge and receive for every affidavit made before them, which is not required, or is not to be used in suits pending before such justices, twenty-five cents ; and for executing commissions issued from other courts, twenty five cents for every hundred words contained in the deposition.

56. The justices of the peace in the city of Lafayette, town of Carrollton and Borough of Freeport, shall respectively have juris-

Jurisdiction of

diction over all cases of violation of the ordinances of said respective corporations, without reference to the domicile of the defendant or defendants, in any suit brought in consequence of such violation ; Provided, that the amount at issue be within the jurisdiction of such justices.

Justices of Lafayette, Carrollton and Freeport.
1847.
84, 1

57. The mode of proceeding in said Justices' Courts shall be as follows : The party plaintiff, or his attorney, shall apply to the justice in his office, or to the Clerk of the Court, and state to him, verbally, or in writing, at his option, the names of the parties, their residence, together with the amount and nature of the claim, and it shall be the duty of the said justice, or clerk, as the case may be, to enter the same on a docket, to be by him kept for the purpose, and therefrom to issue such process as may be necessary to the plaintiff's case, taking and filing previous thereto, the necessary affidavit as required by the existing statutes regulating the practice of the district courts.

Mode of proceeding in justices courts of City of Lafayette.

In all suits before said courts, the defendant shall be bound to appear and make his defence, within three days after service of citation : and if the defendant fail to make his defence, judgment by default may at any time be rendered against him, which judgment by default may be made final within three judicial days from that on which it was rendered, on the plaintiff duly proving his claim : provided always, that if, at any time before motion made to obtain final judgment, the defendant appear, he may enter his defence.

All final judgments shall be signed by the justice, and they may be signed as soon as they are rendered, without prejudice to the rights of the parties to move for a new trial, or other relief against the judgments, within the legal delay.

On all judgments rendered in the said Courts, from which an appeal does not lie, execution may issue at any time after they are rendered and signed ; and on those from which an appeal does lie, execution may issue in three days after notice of the judgment given to the party cast, unless in the mean time an appeal has been taken, or some motion made to be relieved against the judgment : such motion shall suspend the execution, until it be decided. No motion for relief against a judgment, shall be made after three days notice of the judgment.

It shall be notice sufficient, either of a final judgment or of any other proceedings in a cause, if the party to whom notice is to be given, his agent or attorney in the suit, was present when the judgment was pronounced or the proceeding had : and a minute made by the Court in its records, stating their presence as aforesaid, shall be received as proof of the fact.

Whenever the party to whom notice is to be given of a final judgment, or other proceedings, does not reside within the limits of the court's jurisdiction, and has no attorney in fact, or at law, on record in the suit, resident within the said limits, the said notice shall be given by posting the same upon the door of the Court-house, and execution may be issued or other process be had after such notice, as if said notice had been given in the ordinary way, the execution may proceed, or other proceeding had without notice, as if the same had been given.

In all civil cases brought before said justices, either party may have a trial by jury on application to the clerk at the time of instituting the suit or filing the answer : and, therefore, the clerk shall issue an order to the sheriff requiring him to summon six men, qualified to serve as jurors, to attend at such time and place as shall be designated by the rules of the court ; neither party shall be allowed to challenge a juror except for cause shewn, and in case of a deficiency of jurors, the court shall have power to award a *tales*.

Any person prosecuting or defending any suit in said Court may appear and prosecute or defend the same in person, or by his attorney in fact duly authorized for that purpose, or by a licensed attorney or counsellor at law ; but in no case, shall any attorney's taxed fee be allowed as costs, in any suit instituted or decided in said Court ; and the justice shall have power to punish all contempts of court, by fine or imprisonment, in conformity with the existing laws of the State on that subject, or the powers incidental to courts of justice.

JUDICIAL PROCEEDINGS.

1825
212. and Seq.

1. It shall be the duty of the clerks of the parish and district courts of this State, within six months after the rendition of final judgment in all causes decided in said courts, to record, in a well bound book, the petition, answer, orders of court, interlocutory judgments, together with the final judgment of the court rendered thereon.

2. In case of appeal, it shall be the duty of the clerks of said courts to record the pleadings and judgment as aforesaid together with the judgment of the district and that of the appellate court, within six months from the filing of said judgment of the appellate court, in the parish or district court as the case may be.

3. In case no judgment shall be rendered in the appellate court by reason of the appeal being dismissed or discontinued, it shall be the duty of said clerks to record the pleadings and judgment, as directed by the first section of this act, within six months from the notice of said dismissal or discontinuance being filed in the parish or district courts as aforesaid.

4. The clerks shall be allowed for the services herein directed to be performed, one-half of the fees which are now allowed them for copying records of appeal, and the same shall be taxed with the other costs, and paid by the party cast in the suit ; Provided, that the fees for so recording shall in no case exceed twenty-five dollars.

5. Any clerk neglecting or refusing to comply with the provisions of this act, shall be considered as guilty of a breach of good behaviour, and, on due proof thereof, be removed from office.

6. In case of the loss or destruction of the original document, herein directed to be recorded, copies taken from the book herein provided, and certified by the keeper thereof, under his hand and seal of office, shall be good and legal evidence of the contents of said originals ; but in case a duly authenticated copy of such record, made before the destroying of the original, should be pro-

cured in evidence, greater faith shall be given to it, than to a copy made subsequently to such destruction.

7. Article five hundred and fifty-two of the Code of Practice be so amended that the costs to be paid by the party cast, shall include, in addition to those therein specified, the costs of copies of notarial acts, of judgments, and other copies of the records of other public officers, necessary in the cause.

1839
166. 11

8. Whenever a plaintiff in a cause shall be unknown to the clerk, or shall not offer, in the opinion of the clerk, sufficient guarantee for the payment of the costs, the clerk shall have the right to require security to cover the probable amount of costs, inclusive of the sheriff's fees.

1839
198. 1

9. Whenever a complaint has been made for any breach of the peace which is not subject to be criminally prosecuted, in consequence of any provisions of the statutes of this State; the city judges or any other justice of the peace of the parish of New Orleans, before whom the said complaint shall have been made, shall, in binding the party so offending to give security to keep the peace, condemn him to pay the costs so incurred by said denunciation, for the benefit of the said parish.

1827
38. 5

10. In any case of the breach of the peace which is subject to criminal prosecution, and on which the law allows the parties to compromise, it shall not be lawful for the judge or justice of the peace who shall have received the denunciation of the said offence, not to send to the attorney general the papers relative thereto, in case the complaining party will renounce that the said offence be prosecuted, unless the party so offending pay to the said judge or justice of the peace, and to the benefit of the parish of Orleans, the costs attending the said complaint; all which costs thus recovered shall be paid over by the judge or justice who shall receive the same, into the hands of the parish treasurer.

1817
148. 1

11. All the rules of proceeding which existed in this State before the promulgation of the Code of Practice, except those relative to juries, recusation of judges and other officers and of witnesses, and with respect to the competency of the latter, be and are hereby abrogated; and all the civil laws which were in force before the promulgation of the Civil Code lately promulgated, be and are hereby abrogated; except so much of title tenth of the old Civil Code as is embraced in its third chapter, which treats of the dissolution of communities or corporations.

All rules of proceeding before Code of Practice abrogated — exceptions; — Civil laws before Civil Code abrogated — exceptions.

1828
160. 25

CHANGE OF VENUE.

12. In all civil actions pending in any parish of this State, the judges thereof shall have power to change the venue, upon motion made in open court, upon cause shown as hereinafter provided, and to remove said action from one parish to another, in the district wherein they are pending to a contiguous parish in another district.

In all civil actions, judges authorized to change to adjoining parish.

1846
107. 2

13. Said judges shall have power in vacation to grant an order for a change of venue from one parish in their district to another parish in their district, or to a contiguous parish in another district; provided it be by consent of parties, or upon application of one of the parties, ten days written notice having been given to the adverse party, of the time and place of said application.

What notice to be given of application.

1846.
107. 1

Petition for re-
moval. How for-
med.

1846
107, 3

14. In all cases, except those where the parties consent, the party applying shall present to the judge a written petition, stating the substantial reasons he has for believing that from the undue influence of the adverse party, from prejudice existing in the public mind, or for some other cause specially set forth, he cannot expect to obtain a fair and impartial trial, in the parish where the cause is pending; he shall moreover adduce proof that the notice required by the second section has been given, and that the allegations contained in the petition are well founded, whereupon the judge shall hear the parties, and after such hearing and examination of the evidence, if he is of opinion that said allegations are sustained by the evidence he shall award to the party so applying a change of venue, in conformity with the foregoing provision; Provided, always, that said change of venue be made to a parish wherein neither of the parties reside.

Oath to be annexed
to said petition.

1846.
108, 4

15. The party prosecuting said petition shall be required before he can be heard, to make oath before the said judge or any justice of the peace, or the clerk of the court that said petition contains the truth; and has not been presented to delay the trial, or to vex or harrass the adverse party.

Order of the judge
to be made therein.

1846.
108, 5

16. The judge awarding a change of venue shall, if in vacation, grant an order under his official signature to the clerk of the parish where the cause is pending to transmit the papers belonging to, and filed in the cause, to the clerk of the parish to which the venue has been removed, which order shall be returned with the petition and filed in the suit.

Duty of clerk
therein in the court
transmitting.

1846.
108, 6

17. The clerk of the parish from which the suit has been removed, shall make a list of all the papers on file in said suit, and a transcript of all orders made, or steps taken during the pendency of the cause, and affix thereto his official signature and seal of the court, and deliver the same together with the papers of the suit to the party to whom a change of venue has been awarded, or to his attorney in fact or of record, taking his receipt therefor, which receipt shall be a true copy of said list or inventory, and signed by the said party or his said attorney. In case there should be sufficient reasons suggested to the Judge, why said papers should not be entrusted to said party, then, and in that case the Clerk shall hand them to the sheriff of his parish, who shall give receipt therefor, in the form above prescribed, and whose duty it shall be to carry the papers, or to employ some trusty person to carry them to the clerk of the parish where they may be directed. Said papers, in either case, shall be carefully folded, enveloped and sealed, and the party obtaining a change of venue shall pay in advance to the said sheriff twenty-five cents per mile, for every mile he shall have to travel from the place where the suit is pending to that to which it is ordered to be removed; and the said party shall pay to the clerk of the parish where the suit is pending, all costs (attorney's fees excepted) which may have accrued therein, before the papers shall be transmitted, otherwise the case shall be proceeded in the parish wherein it originated, in the same manner as if no such application had been made, but the payments herein required shall not apply to criminal cases.

18. The clerk to whom the papers shall be transmitted, upon the receipt of said papers shall open the seal of the package and compare the papers with the aforesaid inventory, and upon finding the same correct, he shall give a receipt to the person delivering the same, which shall be a true copy of said inventory. He shall then enter the cause in his docket, and act in the same manner as he would have done had the case been originally filed in his parish.

Duty of clerk to whom the case is transmitted.
1846.
108. 7

19. After a cause shall have been removed, such cause shall not be a second time removed under any pretence whatsoever.

No cause to be removed a second time.
1846.

CHANGE OF VENUE IN WEST FELICIANA.

20. From and after the passage of this Act, in all civil actions now pending, or which may be hereafter instituted in the parish of West Feliciana, in which the district judge shall have recused, or may hereafter recuse himself, upon motion made in open court by the attorney or attorneys of either party, whether plaintiff or defendant, it shall be the duty of the judge to order a change of venue and remove said suit from said parish to a contiguous parish in another district.

1846.
109. 12
When it is the duty of the district judge, in the parish of West Feliciana, to order a change of venue.
1850.
181,
1 to 7

21. The judge aforesaid is hereby authorized and empowered to make all such orders as are necessary and needful for the removal and trial of said suit to the parish to which the venue may have been changed.

Special powers given to the aforesaid judge.

22. It shall be the duty of the clerk of the court of said parish, to make out a list of all the papers on file in said suit and a transcript of all orders made or steps taken during the pendency of the cause and affix thereto his official signature and seal of court, and deliver the same together with the papers of the suit to the party to whom the change of venue has been awarded, or to his attorney, in fact or of record, taking his receipt therefor, which said receipt will be a true copy of said list or inventory and signed by the said party or his said attorney.

Duty of the clerk of the court, in said parish in relation to the change of venue.

23. In case there should be sufficient cause suggested to the judge why said papers should not be entrusted to the said party; then, and in that case, the clerk shall deliver them to the sheriff of his said parish, who shall give a receipt for them in the form and manner above prescribed, and whose duty it shall be to carry the said papers, or to employ some trustworthy person to carry them to the clerk of the parish where they may be directed, said papers in either case, shall be carefully folded, enveloped and sealed, and the party so obtaining a change of venue shall pay in advance to the sheriff twenty-five cents for every mile he shall have to travel from the place where the suit is pending to that to which it is ordered to be removed.

Duty of the clerk and sheriff in relation to the removal of papers.

24. The clerk to whom the papers shall be transmitted, upon receipt of said papers, shall open the package containing them, and compare the papers with the aforesaid inventory, and, upon finding them correct, he shall give a receipt to the person delivering the same, which shall be a true copy of the inventory. He shall then enter the cause in his docket and act in the same manner as he would have done had the case been originally in his parish.

Duty of the clerk to whom papers are transmitted.

25. It shall be the duty of the judge trying said cause, to grant an appeal, the same as in other cases.

26. After the rendition of judgment in any of said causes, and the same has become final, either through lapse of time for taking an appeal, or by final decision of the supreme court, it shall be the duty of the district clerk of the court of the parish where said cause was tried, to return the said suit and all the papers belonging to the same, in the same manner as is provided for in section twenty second, to the parish in which said suit originated, in order that said judgment be there executed.

GRAND JURIES OF THE FIRST JUDICIAL DISTRICT.

27. The grand juries for the courts of the first judicial district, shall be selected, only once in three months, and shall serve and continue in service during the term of three months and be exempted during that time from all other jury service in the other courts of the State; that whenever it shall be necessary to select a grand jury for the said district, the sheriff of the parish of Orleans together with the clerk of the First District Court of New-Orleans, during the last week in the month, shall draw from the jury box forty eight names of persons duly qualified to serve as jurors, for the ensuing month and they shall be summoned to attend the said court accordingly.

Out of the said forty-eight persons, so drawn and summoned, there shall be selected by the said sheriff and clerk, under the direction of the Court, a grand jury to consist of sixteen persons, who shall be empanelled and sworn to serve as mentioned and the remaining persons shall be empanelled to serve as petit jurors in the said court.

IN CRIMINAL MATTERS; COMPENSATION TO SHERIFFS AND CLERKS.

28. Every sheriff in the State is entitled to one hundred dollars per annum and each clerk of the District Courts to fifty dollars per annum for their services in matters of a criminal nature, pending in the respective courts of the parishes in which they may act, and that the same shall be paid them semi-annually on the warrant of the Auditor of public accounts from moneys in the treasury not otherwise appropriated.

APPEAL IN CRIMINAL CASES TO SUPREME COURT.

29. It shall be the duty of the Attorney General, and the district Attorneys of the districts in which the Supreme Court shall sit, to represent the State in the Supreme Court in all criminal cases coming before said court.

30. Upon the final decision of any criminal cause in the Supreme Court, it shall be the duty of the clerk of said court to transmit a certified copy of such decision to the court from which the appeal may have been taken, which copy shall, on motion, be filed, recorded and ordered to be executed by the lower court in the manner provided by law for civil cases.

31. The clerks of the Supreme Court shall be entitled to demand and receive for their services in criminal cases, the following fees and no more, to wit: for entering cause and filing record, one dollar; for entering appearance, one dollar; for recording motions in court, one dollar; for copy of judgments to be recorded in lower court, fifteen cents for every hundred words;

Granting of appeals

Further duty of the district clerk with regard to the returning of papers.

1848.
Extra S. 49, 1.

Attorney General and District Attorneys to represent the State, &c.

Final decisions in the Supreme Court to be transmitted to the lower clerk.

Fees in criminal cases.

Provided that the costs of the clerk of the Supreme Court shall in no criminal case exceed the sum of ten dollars.

32. The Supreme Court shall at every term thereof, proceed to the trial of criminal cases by preference over civil cases.

JURIES.

33. That it shall be the duty of the clerks of the several District Courts of this State immediately after the jurors shall have been discharged to make out and deliver to each juror, a certificate, specifying the number of days that he has attended, the distance for which he shall be entitled to receive mileage and the amount due which shall be ascertained by the oath of the juror, to be administered by the clerk, and such certificate shall be receivable in payment of the parish tax or paid out of any monies in the parish treasury, not otherwise appropriated.

1823.
60. 2

34. From this provision and from the section 1st. of this law giving the jurors one dollar and fifty cents per day and six and a quarter cents mileage, the courts of the First Judicial District are excepted by section 10th of the same law.

1823.
63, 10

INJUNCTION.

35. On the trial of injunctions, the surety on the bond shall be considered as a party plaintiff in the suit; and in case the injunction be dissolved, the Court, in the same judgment, shall condemn the plaintiff and surety, jointly and severally, to pay to the defendant, interest at the rate of ten per cent. per annum, on the amount of the judgment, and not more than twenty per cent. as damages, unless damages to a greater amount be proved; and the sureties, in such cases, shall not be allowed to avail themselves of the plea of discussion.

Surety considered
as party plaintiff.
Consequences,
measure of inter-
est and damages.
1821
102. 3

36. If a third person shall obtain an injunction to arrest the execution of a judgment between other parties, and it shall be dissolved, the plaintiff in injunction, and his security, shall stand in the same situation, and be subject to all the responsibilities and penalties, imposed by the foregoing section, as the plaintiff and his security in the said section, and a similar judgment may be given against them on the dissolution of the injunction.

Third persons ob-
taining injunctions,
to stand in the same
situation as if or g-
inal party.
1823
91. 3

37. No judge of any Court established in the State, shall enjoin any judgment or execution on an allegation of compensation, set off, or subsequent payment, except for the amount of such sum plead in compensation, set off or payment as aforesaid; as shall be established by the defendant according to law. And such judgment for any surplus that may exist, shall and may be executed in all respects, as if no such injunction had been granted.

Injunction, when
partial.
1825
116. 1

38. Whenever an injunction is granted in any case, it shall be the duty of the judge to require from the person claiming such an injunction, a bond and security in double the amount of the sum alleged to have been paid, conditioned for the payment of damages in case the injunction shall have been wrongfully sued out.

Amount of bond
required in injunc-
tion
1825
116. 2

39. In addition to the cases enumerated in article two hundred and ninety-eight, of the Code of Practice, injunctions may be granted in all cases to stay execution where payment is alleged to have been made after judgment rendered, when compensation

Injunctions gran-
ted when payments
made after judg-
ment, when com-
pensation pleaded

against judgment or is pleaded against said judgment, or when the Sheriff is proceed-
 when sheriff pro- ing on said execution, contrary to some provision of law, upon
 ceeds contrary to the petitioners making affidavit of the facts alleged, in order to
 law on affidavit, &c. obtain the injunction, and upon complying with the requisites pre-
 1826
 170. 9 scribed by law.

Injunctions gran-
 ted in case of dis-
 puted titles, when
 suit has been
 brought.

1828
 150. 2

Duty of clerks in
 injunctions to take
 security, amount to
 be fixed by the
 judge.

1828
 150. 3

40. In addition to the cases mentioned in the two hundred and
 and ninety-sixth up to the three hundred and third article of the
 Code of Practice, the judge may grant an injunction, on the ap-
 plication of any purchaser whose property is seized for the pay-
 ment of the price of a thing sold to him, whenever a suit has
 been instituted against him for the said property.

41. So much of the article three hundred and four, of the Code
 of Practice, as makes it the duty of the judge to take security
 in cases of injunctions, or in any other case in which judges are
 required to take securities in cases of injunctions, be repealed;
 it shall be the duty of the several clerks of the district courts, be-
 fore they issue any writ of injunction, to take from the party re-
 quiring the same a bond, with one or more good securities in the
 amount fixed by the judge granting the order, conditioned as the
 law requires.

LAWS.

State Printer to
 print 2,000 copies of
 laws. Two hun-
 dred and fifty copies
 of journals of both
 Houses to be prin-
 ted.

1817, 67. 2
 Laws, how pro-
 mulgated.
 1827; 172, 1

1. The State Printer shall be bound to print two thousand
 copies of the laws of each session of the Legislature; in future
 two hundred and fifty copies of the journal of both Houses
 shall be printed.

2. All the laws enacted by the Legislature of this State shall
 be considered as promulgated at the place where the seat of
 government is located, the day after the publication of such
 laws, in the gazette authorized to publish the laws of this State,
 and in all other parts of this State, thirty days after the publi-
 cation in said gazette.

Duties imposed
 on clerks to register
 laws, not necessary
 to promulgation.

1827. 172, 2

3. The duties now imposed upon the clerks of the courts of
 this State, to insert in a register to be kept for that purpose, the
 titles of the laws which shall have been directed to them,
 together with the day on which they shall have received them,
 shall not be considered as necessary to the promulgation of such
 laws.

Secretary of State
 to keep Register
 with the title of the
 laws, with the date,
 when published—
 certificate full evi-
 dence.

1827. 172; 3

4. The Secretary of State shall be bound to keep a register,
 in which he shall write down the title of all the laws passed by
 the Legislature, together with the date of the day when they
 shall have been respectively published in the State paper; and
 said register thus kept, or the certificates delivered from the
 same by the Secretary of State, under his official signature and
 seal of the State, shall be full evidence before the courts and
 elsewhere, of the publication of said laws; Provided, however,
 whenever the promulgation of any law is contested, the person
 contesting the same shall be held to prove the fact.

5. Whenever any new edition of the statutes of this State
 shall be published, it shall be the duty of the secretary of State
 to forward three sets thereof to each State in the Union, and that
 he forward annually to each State three sets of all such statutes,
 as His Excellency the Governor for the time being may direct,

1814
 32, 1.

Provided such State shall consent to an annual exchange, and that the secretary of State be directed to correspond with the several States through the medium of their respective secretaries for the above purposes.

6. The State printer shall deliver to the secretary of State copies of each of his gazettes containing any of the laws or resolutions of the General Assembly of this State, which shall be hereafter enacted or agreed to, immediately after the same shall have been published therein, and the Governor, as soon as practicable thereafter, shall cause the said gazettes to be sent to the district judges and clerks of courts, to whom copies of the law are now directed to be furnished; and that it shall be the duty of those persons to preserve the said gazettes carefully in their respective courts, for the use thereof, until they shall have received the copies of the laws in pamphlet form.

Duty of State printer to deliver to secretary of State copies of laws. Duty of Governor to send copies to judges and clerks of courts. Duty of clerks and judges to preserve them.
1831.
76, 1

7. The State printer shall receive ten dollars for every three hundred papers delivered to the secretary of State, as directed by the previous section.

Compensation to State printer.
1831.
76, 2

LANDLORDS AND TENANTS.

1. Whenever the monthly rent paid by a tenant, or the lease which he shall allege to hold, shall be found to exceed one hundred dollars, then the said tenant, if sued under the act of third March, eighteen hundred and nineteen, shall be cited before any of the District Courts of New Orleans; provided that the defendant shall be summoned in the manner provided by said act to answer within three days.

1848.
78, 2.

2. No recess or adjournment of the District Courts shall affect the cases arising under said act of third March, eighteen hundred and nineteen: the said cases shall be tried summarily and by preference, at all times, after three days' notice, given by either party to the other, or to his attorney on record; and no appeal therein shall suspend execution, unless the defendant has filed a special defence, supported by his oath, that all the facts contained in his answer are true and correct, and entitle him to retain possession of the premises.

1848.
78, 3

3. Article two hundred and eighty-seven of Code of Practice be so amended that a lessor may obtain a writ of provisional seizure even before the rent be due; and hereafter in all cases it shall be sufficient to entitle a lessor to said writ, to swear to the amount which he claims, whether due or not due, and that he has good reasons to believe that said lessee will remove the furniture or property on which he has a lien or privilege, out of the premises, and that he may be thereby deprived of his lien; provided that in case the rent be paid when it fall due, the cost of the seizure shall be paid by the lessor, unless he prove that the lessee did actually remove, or attempt or intend to remove the property out of the premises.

287th Article of Code of Practice amended.
Oath of Lessor.
1839.
172, 22.

4. When any person having leased or demised any house, store, or any landed estate, for a term of one or more years, or by the month or otherwise, either verbally or in writing, shall be desirous upon the determination of the said lease, to have again and repossess his estate so demised, he shall demand or require

Proceedings to eject tenant.
1819.
46, 1,

in writing his lessee or tenant to remove from and leave the same, on allowing him the time which is granted by law for such removal, according to the time for which the lease was made, and if the said lessee or tenant shall refuse to comply therewith, after the expiration of the said delay, and to remove therefrom, it shall and may be lawful for such lessor to cause the said lessee or tenant to be cited before any justice of the peace, in order to be there condemned to deliver him the possession of the demised premises, and if the said justice is satisfied on such demand, by due proof, that the term for which the property was demised or leased is fully ended, and that demand in writing for delivering possession thereof has been made, on allowing him the said lessee or tenant, the time fixed by law for his removal, as aforesaid, it shall be lawful for the said justice to give his judgment against the lessee or tenant, ordering him to deliver to the lessor the possession of the demised premises; and in case the said lessee or tenant shall not comply with the said judgment within three days after the service of a copy thereof, it shall be lawful for the justice who rendered the said judgment, and he is hereby enjoined and required forthwith to issue his warrant, directed to any constable of his parish, commanding him forthwith to deliver to the lessor full possession of the demised premises, as aforesaid, and to levy the costs incurred in that case out of the goods and chattels of the lessee or tenant; provided, that in case the said constable should find the doors and windows of the house, store, or other landed estate, so demised, locked up, it shall be lawful for him, on a warrant issued to that effect, by the said justice, to break open the said doors and windows, in the presence of two witnesses, in order to put the lessor in free possession of the demised premises as aforesaid.

LEGISLATURE.

Division of the
State until the next
census and apportionment.

1848.

3, 1.

1. Until the next census and apportionment shall have been made, the State shall be divided into the following senatorial districts, to wit:

The parishes of Plaquemine, St. Bernard, and that part of the parish of Orleans on the right bank of the Mississippi river, shall form one district, and shall elect one Senator.

All that portion of the parish of Orleans on the left bank of said river, including the city of New Orleans, shall form one district, and shall elect four Senators.

The parishes of Jefferson and St. Charles form one district, and shall elect two Senators.

The parishes of St. John the Baptist, St. James, and Ascension, shall form one district, and shall elect two Senators.

The parishes of Assumption, Lafourche Interior and Terrebonne, shall form one district, and shall elect two Senators.

The parishes of Iberville and West Baton Rouge, shall form one district, and shall elect two Senators.

The parishes of East Baton Rouge and Livingston shall form one district, and shall elect one Senator.

The parishes of St. Helena, Washington and St. Tammany, shall form one parish, and shall elect one Senator.

The parish of East Feliciana shall form one district, and shall elect one Senator.

The parish of West Feliciana shall form one district, and shall elect one Senator.

The parish of Pointe Coupée shall form one district, and shall elect one Senator.

The parishes of Concordia and Tensas shall form one district, and shall elect one Senator.

The parishes of Madison and Carroll shall form one district, and shall elect one Senator.

The parishes of Catahoula, Franklin and Caldwell, shall form one district, and shall elect one Senator.

The parishes of Ouachita, Morehouse, Union and Jackson, shall form one district, and shall elect one Senator.

The parishes of Claiborne and Bossier shall form one district, and shall elect one Senator.

The parishes of Caddo, De Soto and Sabine, shall form one district, and shall elect one Senator.

The parish of Natchitoches shall form one district, and shall elect one Senator.

The parishes of Rapides and Avoyelles shall form one district, and shall elect one Senator.

The parishes of St. Landry and Calcasieu shall form one district, and shall elect one Senator.

The parishes of Lafayette and Vermillion shall form one district, and shall elect one Senator.

The parish of St. Martin shall form one district, and shall elect one Senator.

The parish of St. Mary shall form one district, and shall elect one Senator.

2. Until the next census and apportionment, the representation in the House of Representatives shall be apportioned among the several parishes and districts at a representative number of *three hundred and seventy-five electors*, to wit:

The parish of Plaquemine shall elect two.

The parish of St. Bernard shall elect one.

The right bank parish of Orleans shall elect one.

The city of Orleans, first district, shall elect two.

The second district shall elect three.

The third district shall elect six.

The fourth district shall elect three.

The fifth district shall elect three.

The sixth district shall elect two.

The seventh district shall elect two.

The eighth district shall elect two.

The ninth district shall elect one.

The parish of Jefferson shall elect three.

The parish of St. Charles shall elect one.

The parish of St. John the Baptist shall elect one.

The parish of St. James shall elect two.

The parish of Ascension shall elect one.

The parish of Assumption shall elect three.

The parish of Lafourche Interior shall elect three.

The parish of Terrebonne shall elect one.
 The parish of Iberville shall elect two.
 The parish of West Baton Rouge shall elect one.
 The parish of East Baton Rouge shall elect two.
 The parish of Livingston shall elect one.
 The parish of St. Helena shall elect one.
 The parish of Washington shall elect one.
 The parish of St. Tammany shall elect one.
 The parish of East Feliciana shall elect two.
 The parish of West Feliciana shall elect one.
 The parish of Pointe Coupée shall elect two.
 The parish of Concordia shall elect one.
 The parish of Tensas shall elect one.
 The parish of Madison shall elect one.
 The parish of Carroll shall elect one.
 The parish of Catahoula shall elect two.
 The parish of Franklin shall elect one.
 The parish of Caldwell shall elect one.
 The parish of Ouachita shall elect one.
 The parish of Morehouse shall elect one.
 The parish of Union shall elect one.
 The parish of Jackson shall elect one.
 The parish of Claiborne shall elect three.
 The parish of Bossier shall elect one.
 The parish of Caddo shall elect one.
 The parish of De Soto shall elect one.
 The parish of Sabine shall elect two.
 The parish of Natchitoches shall elect three.
 The parish of Rapides shall elect two.
 The parish of Avoyelles shall elect two.
 The parish of St. Landry shall elect four.
 The parish of Calcasieu shall elect one.
 The parish of Lafayette shall elect two.
 The parish of Vermillion shall elect one.
 The parish of St. Martin shall elect three.
 The parish of St. Mary shall elect two.

1848, 4 2.

Actions against
 members to be
 stayed during their
 attendance at the
 session, and going
 and returning.
 1806, 6, 2.

3. Each and every court of this State shall cause to stop and cease all proceedings in all and every cause, suit, or action before them pending against any member of the Legislature during their attendance at the session of the said legislature, and in going to and returning from the same.

Speaker to be en-
 titled to four dollars
 a day extra.
 1846.
 161. 1

4. The Speaker of the House of Representatives shall be entitled to receive, during the present and all succeeding sessions, the sum of four dollars per day, in addition to his pay as member, to be drawn on a warrant signed by himself, attested by the clerk and approved by one of the members of the committee on contingent expenses.

Sergeant-at-arms
 to receive 75 dollars
 per month for two
 years.
 1848.
 145. 1

5. A sum of seventy-five dollars per month be, and is hereby appropriated out of any funds in the treasury not otherwise appropriated, for paying the monthly salary of the Sergeant-at-arms of the House of Representatives, for the term of two years from and after his election, which sum shall be paid monthly, on

the warrant of the Auditor of public accounts upon the State Treasury.

6. At the commencement of every legislature of this State, there shall be chosen by ballot, by the House of Representatives, four persons, who shall perform the duties of translating or enrolling clerks, for the dispatch of business of the house, and shall be subject to all the rules and regulations to which they are now subject and they shall receive the sum of five dollars each, per day, as a compensation for their services, which shall not be increased or diminished during two years, the term for which they shall be chosen.

1828.
192. 10

7. Any member of the Senate or House of Representatives, wishing to resign during the recess of the legislature, shall direct his letter of resignation to the Governor of the State.

If the legislature be in session, the member resigning if a Senator shall address his resignation to the President of the Senate, and if a Representative to the Speaker of the House of Representatives; and in either case information of such resignation shall be communicated by order of the house to the Governor of the State.

1812,
36. 2

LIBRARY.

1. There shall be created a public library of the State of Louisiana, which shall be placed in the State House.

Library, where
to be placed.

2. The Secretary of State for the time being shall establish such rules and regulations and restrictions not inconsistent with law in relation to said library as he may deem proper, and from time to time alter and amend the same.

1838.
95. 1
Rules and regulations
to be made by
Secretary of State.

3. It shall be the duty of the Secretary of State, annually to appoint a competent person as Librarian, who shall receive, in full compensation for his services, on his own warrant, the sum of six hundred dollars per annum, payable quarterly by the State Treasurer.

1838.
95. 2
Secretary to ap-
point Librarian, his
compensation.

4. All books, statutes, manuscripts, plans, maps, papers, and documents of every description, belonging to the State, which are now scattered over the public buildings, shall be collected and placed under the charge and responsibility of the said Librarian, and the rooms now occupied by the said Library, and such other rooms in the said buildings as may be needed, shall be exclusively employed for the use of said library.

1844.
44. 2

5. Before entering upon the duties of his office, said Librarian shall give bond to the State of Louisiana in the sum of five thousand dollars, with sufficient security, to the satisfaction of the Governor, and conditioned as the law directs for the faithful performance of his duties, and the proper care and custody of the books and papers delivered unto him, and said bond shall be deposited in the office of the Secretary of State.

Books, papers,
&c., in State House
to be collected and
deposited in Libra-
ry.

1844.
44. 3

6. Before said Librarian shall take possession of the books and papers which are to form the State Library, an inventory shall be taken of such books and papers, clearly and distinctly mentioning and setting forth all the printed books and the manuscript which shall be placed under the care and custody of said Librarian.

Librarian to give
bond,

1838.
95. 4

Inventory to be
taken of books and
papers,

1838,
95. 6

Inventory to be taken in presence of Secretary of State and Treasurer,

1838,
95, 7

Two copies to be taken and deposited one with Librarian one with Secretary,

1838,
95, 8

Two catalogues to be made,

1844,
44, 4

Account and responsibility of Librarian, when he retires from office,

1838,
95, 9

Librarian to attend every day and care of library,

1844,
45, 5

Secretary authorized to exchange books and to report to Assembly,

1844,
45, 6

Sum allowed for the support and increase of Library,

1838,
95, 10

1838,
96, 11

Citizens of the State to have free access to Library, no book to be taken out,

1838,
96, 12

7. Said inventory shall be taken by said Librarian in the presence and under the immediate inspection of the Secretary of State and the Treasurer of the State.

8. Two copies of said inventory shall be made, both certified to be correct by the signatures of the said Librarian, and of the Secretary of State, and of the Treasurer of the State. One of the said copies shall be deposited in the office of the Secretary of State, and the Librarian shall retain the other.

9. In addition to the inventory required to be made, it shall be the duty of the said Librarian, immediately after his appointment, to make two exact catalogues, so as to class separately the books and documents which are to be preserved, from those which are to be distributed or for sale.

10. Said Librarian on leaving his office, either by removal, absence from the State or resignation, or his heirs at his death, shall be bound under all the penalties of the bond to represent all the books and papers which may have been mentioned in the inventory, and such as he may have received since, or to procure other similar, and that in case said books cannot be represented or procured, he shall pay such sum, not exceeding the amount of the bond, as by the Secretary of State and the Treasurer of State, for the time being, shall be deemed a sufficient compensation for the loss of such books, or shall be sued with his security for said sum, before any court of competent jurisdiction.

11. It shall be the duty of said Librarian to attend every day, Sundays excepted, and to see that the Library confided to his care, shall suffer no injury from want of proper attention or otherwise, and in case of neglect or inattention to the duties herein required to be performed by the said Librarian, the Secretary of State shall forthwith remove him.

12. The Secretary of State be, and he is hereby authorized to exchange any books of the State, not needed for the use of the public offices, for such works as may be useful to the State Library; Provided that it shall be the duty of the Secretary of State to report to the General Assembly, on the first day of each session, the condition of said Library.

13. In order to keep up said Library, and to furnish the books necessary for the same, the sum of one thousand dollars is hereby allotted, to be paid by the State Treasurer upon the draft of the Secretary of State, annually, out of the monies in the treasury not otherwise appropriated; and the Secretary of State shall employ said sum, yearly, for the purchase of books, and report to the Legislature at their regular sessions.

The books at present in the office of the Secretary of State, shall constitute a portion of said Library.

14. Every citizen of this State will have free access to the said Library, provided that no book be taken out of the same except when for the use of either branch of the legislature.

All laws making appropriations for the safe keeping of the books of the State, or otherwise, inconsistent with the aforesaid provisions, are repealed.

The expenses incurred, or to be incurred, for making the necessary arrangements of shelves, etc. and repairs, be paid out of the contingent fund placed at the disposal of the Governor; Provided such expense do not exceed the sum of two hundred dollars.

1844.
45, 8

MAGAZINE FOR POWDER.

1. It shall be lawful for the Mayor, Aldermen and inhabitants of the city of New Orleans, to purchase out of said city a lot of ground, and to erect thereon a powder magazine, in which all gunpowder not belonging to the United States of America shall be deposited, whether such powder has been manufactured in this State, or imported from any other State or foreign country; Provided said magazine be not situated farther than five miles from New Orleans, on the opposite side of the river.

City of New Orleans may purchase lot of ground to erect buildings and deposit powder on opposite side of the river, and five miles from the city,
1818,
194, 1

2. As soon as a quantity of powder greater than one hundred pounds shall be imported into the State, it shall be the duty of the owner or consignee of the vessel or craft, on board of which the same shall have been imported, to cause such powder to be immediately removed to the aforesaid magazine, agreeably to the regulations which the Mayor, Aldermen and inhabitants of New Orleans may enact on that subject. Said removal shall take place within three days from the arrival of the powder in the port of New Orleans, under the penalty of a fine of twenty dollars for every hundred weight of powder imported as aforesaid, which fine may be recovered before any court of competent jurisdiction, one-half for the benefit of the said Mayor, Aldermen and inhabitants, and the other half for the use of the informer.

If more than 100 pounds imported, duty of owner or consignee; removal when to take place—penalty for non compliance,
1818,
196, 2

3. Said Mayor, Aldermen and inhabitants of New Orleans shall adopt the necessary measures to secure and keep said powder in the aforesaid store; and the said magazine shall be fire-proof, and be provided with a lightning rod.

Magazine to have lightning rods and be fire proof,
1818,
196, 3

4. The Mayor, Aldermen and inhabitants of the city of New Orleans shall have a right to demand, from the owners of powder, or their agents, fifty cents per month for each and every hundred pounds of powder which shall be deposited in the magazines already established, or which may hereafter be established by the corporation.

Fees to be demanded by the city of New Orleans,
1829,
18, 1

5. The Mayor, Aldermen and inhabitants of the city of New Orleans shall enjoy the right which is granted to them under the obligation, by them, to cause one or more powder magazines to be erected, the building of which to be begun in the delay of one year from the passing of this act, in such place as the city council shall deem proper to determine; Provided it be not less than two arpents distant from any inhabited place whatever.

Magazine to be less than two arpents from any inhabited place,
1829,
20, 2

6. Said Mayor, Aldermen and inhabitants of New Orleans shall have the right to cause said powder magazines to be built within the limits of the Parish of Orleans, either with brick or wood, according to the opinion of two engineers of known abilities.

Mayor and Alderman of New Orleans to be allowed to build magazine in the Parish, either in brick or wood according to the opinion of two engineers,
1829,
20, 3

7. The powder magazine belonging to the city of New Orleans shall belong in common to the three municipalities, and shall be administered by the General Council, who shall have authority to cause such alterations or repairs to be made thereto, from time

Magazine to belong to the three municipalities; profits to be divided—

storekeeper to be appointed, bond to be given in ten thousand dollars, 1840, 50, 3 to time, as they may deem necessary, and to appoint a keeper thereof, who shall give bond with security in the sum of ten thousand dollars; all sums arising from the storage of powder in said magazine, shall be equally divided, (after deducting all necessary expenses,) between the three municipalities.

MARRIAGES.

Any priest or minister may officiate, though he does not reside in the parish.

1842—204, 1

Minister or magistrate must obtain special licence from District clerk, where he has his domicile.

1845—61, 1

1843.
48. 1

1845—61, 2

Duplicate acts of celebration to be made by minister or magistrate.

1845—62, 3

Ministers may celebrate marriages when authorized by special permit from District clerk, &c.

1845—62, 4

Fine for violation of above provisions, and duty of District Attorneys therein.

1845. 62; 5

Clerks of District Courts have power to grant marriage licenses.

1846 63; 1

When clerk of District Court to be married, Parish Recorder shall act.

1847. 44; 1

Marriages celebrated by Justices of the peace before 1820 declared valid.

1823; 36; 1

1. Articles 101 and 102 of the Civil Code shall be so construed that any priest or minister of a religious sect domiciliated within the State of Louisiana, shall have the right of celebrating marriages in any one of the parishes of this State; and it shall no longer be required that the said priest or minister of a religious sect shall reside in the parish where he celebrates or performs the marriage ceremony.

2. From and after the first day of May, eighteen hundred and forty-five, no Minister of the Gospel, or Magistrate, shall be authorized to celebrate marriages in this State, who shall not previously have obtained a written special license to that purpose, to him directed by the District Clerk of the District where he has his domicile.

3. Any Minister of the Gospel residing in another State, or not resident of the parish, before obtaining from the District Clerk a special license as aforesaid, to celebrate marriages, shall give bond in the office of the District Clerk in the sum of two thousand dollars, with two securities, residents of the district where the bond is executed, conditioned that the said Minister of the Gospel conform in all respects with the laws of the State concerning marriages.

4. It shall be the duty of any Minister of the Gospel, or Magistrate, who shall celebrate a marriage, to make duplicate acts of the celebration, signed by himself, by the parties, and three witnesses, as required by law, one of which acts he shall return within a delay of thirty days, to the Clerk of the District Court, who shall file and record the same in his office.

5. Ministers of the Gospel may celebrate marriages when so authorized by a special permit from the District Clerk, and after having complied with the requisitions of law.

6. All violations of any of the foregoing provisions shall be punished by fine not exceeding one thousand dollars; and it shall be the duty of the District Attorneys to prosecute all such violations before any competent tribunal.

7. The Clerks of the several District Courts shall have power to grant marriage licenses.

8. Whenever the Clerk of a District Court of any parish in this State shall be a party in any marriage about to be celebrated in the parish for which he has been appointed, the license now required by law may be issued by the Parish Recorder of the parish in which said clerk may reside.

9. All marriages heretofore celebrated in this State by any of the parish judges thereof, be, and the same are hereby declared legal and valid, so far as relates to the ceremony of the marriages, and the authority of the person who performed the same;

provided, however, that the said marriages have been contracted agreeably to the laws of the land, in other respects.

10. Every marriage which has been celebrated by any parish judge, since the promulgation of the Revised Civil Code, is declared valid, and shall not be annulled for defect of authority in the judge who performed the ceremony, unless the marriage shall have been, in some other respect, contrary to law.

Same for marriages solemnized by parish judges, since the promulgation of Civil Code, previous to 1827.

1827. 4; 2

11. In order to prevent the lawsuits which might arise in future on this subject, all marriages between brothers-in-law and sisters-in-law, contracted previous to the promulgation of the new Civil Code, be, and the same are hereby declared valid.

Also marriages between Brother in law and Sisters in law, declared valid previous to same Code.

1827. 4, 1

12. The child cannot maintain an action against its parents, for a marriage portion or other establishment.

Child, cannot sue parent for marriage establishment or portion.

13. No divorce shall be granted by the Legislature.

14. The regularly commissioned notaries of this State, in and for the parish of West Feliciana, during their term of office, shall be empowered to perform within said parish the ceremony of marriage, under the formalities required by law; and said ceremony, when performed by them, shall have the same legal effect as when performed by any other person or persons authorized by existing laws to perform the same.

1807; 124; 53.

Constitution, art.

Notaries in West Feliciana authorized to perform the marriage ceremony.

1850; 42

MARRIED AND UNMARRIED WOMEN.

1. It shall be lawful for widows and unmarried women of age to bind themselves as sureties or endorsers for other persons, in the same manner, and with the same validity, as men who are of full age.

Widows and married women authorized to become security.

1828.

2. The nine hundred and ninety ninth article of the Code of Practice is so amended as to authorize a married woman, who is a minor, to sue and be sued, even in the case provided for by the said article; Provided, she acts under the authority and with the consent of her husband, though himself a minor; in such case, it shall not be necessary to appoint to her a curator ad litem.

22, 1
999th. art. Code of Practice amended.

1828.

154, 12

3. Married women aged above twenty one years, shall have the right, with the consent of their husbands, by act passed before a notary public, to renounce in favor of third persons, their matrimonial, dotal, paraphernal and other rights; Provided, that the notary public, before receiving the signature of any married woman, shall detail in the act, and explain verbally to said married woman, out of the presence of her husband, the nature of her rights and of the contract she agrees to, and those who have heretofore renounced are prescribed in forty days from the passage of this act from retracting the same.

1835.

153, 2

4. The legal mortgage which exists in favor of minors, interdicted and absent persons, on the property of their tutors and curators, and in favor of married women upon the property of their husbands, cannot be injured by not being recorded, saving the recourse of those who may be prejudiced thereby against the persons who are mentioned in the following sections.

Legal mortgage of minors, interdicted and absent persons not injured by want of recording.

1824

166, 3

5. It shall be the duty of the clerks of the District Courts, whenever they appoint tutors and curators to minors, interdicted and absent persons, to cause the bonds given by the said tutors and curators to be recorded without any delay, in the register's

Duties of clerks and notaries to record bonds and marriage contracts, &c.

1824.

166, 4

office of mortgages, according to law, and it shall likewise be the duty of public notaries, and other officers performing their duties, to cause the marriage contracts and other acts which are executed before them, and from which any legal mortgage is derived in favor of a married woman on the property of her husband to be recorded in the same manner as aforesaid.

Penalty in cases of neglect.

1824.
168, 7

6. In case the clerks or notaries shall have neglected to cause the said mortgages to be recorded, it shall be the duty of the tutors or curators of minors, interdicted or absent persons, and of husbands, to cause the said mortgages to be recorded without delay and according to law; and if the said tutors, curators, or husbands having failed to cause the said mortgages to be recorded, should obtain or procure money or any other property on granting any privilege or mortgage on the same, without expressly declaring that it was subject to the legal mortgage of their wives or other persons above mentioned, whose property they are administering, they shall be considered as guilty of swindling and punished according to the criminal laws of this State, and shall moreover pay to the party suffering by it, such damages as the nature of the case may require.

Special mortgage given by husbands.

1824.
168, 8

7. When by a marriage contract, the parties being of age, shall agree that the legal mortgage of the wife, shall exist only on one or more immoveables belonging to the husband, the immoveables and other property not included therein, shall remain free and released from the legal mortgage of the wife; Provided it be not legal to stipulate that no mortgage whatever shall exist in favor of the wife for her dotal rights.

During the marriage special mortgage may be given.

1824.
170, 9

8. Even during the marriage, the husband may, with the consent of his wife, if she be of age, be authorized by the judge, with the advice of five of the nearest relations of said wife, or friends for want of relations, to mortgage specially for the preservation of his wife's rights, the immoveables which he shall designate and then the surplus of his property shall be free and released from any mortgage in favor of his wife.

In case the wife is minor, how mortgage given.

1824.
170, 10

9. If the wife be a minor, the judge may still grant the authorization mentioned in the preceding section; Provided it be with the assent of a family meeting composed as aforesaid, and of a curator ad hoc appointed to the wife.

Usufruct of community property.

1844.
99, 1

10. In all cases hereafter, when either husband or wife shall die, leaving no ascendants or descendants, and without having disposed by last will and testament, of his or her share in the community property, such share shall be held by the survivor in usufruct during his or her natural life.

If one of the parties leave children how and to what time there be usufruct.

1844.
99, 2

11. In all cases when the predeceased husband or wife shall have left issue of the marriage with the survivor, and shall not have disposed by last will and testament, of his or her share in the community property, the survivor shall hold in usufruct, during his or her natural life, so much of the share of the deceased in said community property as may be inherited by such issue; provided, however, that such usufruct shall cease whenever the survivor shall enter into a second marriage.

Christian and family name of married women to be

12. All notaries or other persons acting as such, whenever they shall pass any acts wherein a married woman or a widow is a

party, shall be bound to mention the christian and family names of such woman, adding that she is wife or widow of [the husband's name].

received in acts.
1827.
140, 11

MILITIA.

1. Every free white inhabitant who is over the age of eighteen years and has resided in the State over sixty days; (except such as are hereinafter exempted) shall pay annually the sum of one dollar and fifty cents as a commutation for militia service, which money shall be used and expended according to law, for the support of the militia of this State, and shall be assessed and collected as follows: Every assessor of State taxes shall, each year, make out a list of the names of all persons designated above, and shall assess in a separate column on his assessment roll, every such person the sum of one dollar and fifty cents, which shall be collected by the collector of State taxes, and paid to the treasurer or receiver of the parish, city or collection district, when the same shall have been collected, in the same manner and within the same time as is required by law for the collection and payment into the State treasury of the State taxes; and the auditor of public accounts and collector of State taxes shall not receive the yearly assessment roll as correct and perfect without such assessment. The assessor for making out said list and assessing said commutation, shall receive from the fund so raised, five cents for each person so assessed; the collector and treasurer shall retain therefrom, for their fees, the same percentage as is allowed by law for collecting and paying State taxes; and for neglecting to pay out the same as required by law, they shall each be subject to the same penalties as are imposed for not paying out the State taxes, or for embezzling the same; the said treasurer shall out of this fund pay, first, to the assessor, who has assessed the commutation, upon his own warrant, the amount due him for such assessment; second, upon the warrant of the adjutant general, the proportion which his parish, city, or collection district may, by said adjutant general be declared liable to pay for clerk hire, publishing laws, regulations and orders, furnishing clerks, and other necessary expenses of said adjutant general's office, not to exceed for the whole State, the sum of one thousand dollars per annum, and said proportion of each parish or collection district to be determined according to the number of persons assessed to pay said commutation: third, the amount due to brigade inspectors, upon the certificate of the commander of the brigade, approved by the adjutant general, and upon which shall be endorsed by the adjutant general, the amount to be paid by each treasurer, when there are more than one in the brigade, and the adjutant general shall not approve said certificate unless the brigade inspector has faithfully performed his duties and made complete returns as required by law; fourth, to the adjutant of the regiment or separate battalion, within his parish or collection district, the residue of said fund, which shall constitute a regimental fund, to be paid out and expended by the regimental board, according to law, and if there be more than one regiment within his collection district or parish, said residue shall be divided

Commutation for
militia service, by
whom to be paid.
1850
213, 8

The assessing
and collecting
thereof.

Fees to the assessor,
collector and
treasurer.

Penalty for not
accounting for the
sums so collected.

What payments
are to be made by
the State treasurer
out of the funds so
collected.

between them according to the numbers of volunteers and officers; who shall have been reported to have done military duty, fully armed and equipped at the last regimental or battalion parade.

2. Said regimental board shall consist of the colonel, lieutenant colonel, major, and commanders of volunteer corps belonging to the regiment; they shall by a vote of a majority, direct said fund to be paid out: First, for pay of members of court martial and courts of assessment held within the bounds of the regiment or battalion, and of adjutant and captains for making returns and enrolling men: Second, for music at parades and armory, and other necessary expenses, and the balance shall be expended either for uniforms, colors, arms, and other necessary equipments for the volunteer corps, or shall be distributed, first, to the officers, musicians and privates who turn out and perform military duty, fully armed and equipped on the day of regimental parade; second, should the foregoing payment not exhaust the fund, the residue shall be paid to the officers, musicians and privates of the volunteer corps, who do military duty on the monthly parades. The officers and men, entitled to pay as above, shall receive as follows: the commissioned officers of the regiment, not exceeding two dollars per diem; the non-commissioned officers, musicians and privates, not exceeding one dollar per diem; should said funds be insufficient to pay all who turn out at regimental parades the amount herein allowed, it shall be distributed pro rata, and should the residue after paying said regimental parade, be insufficient to pay the full amount for the monthly parades, it shall also be distributed pro rata, according to the rank and number of days of attendance.

3. The adjutant of the regiment or separate battalion, before receiving said money, shall execute his bond with two good sureties, to the treasurer and his successor in office, in a sum double the amount to be paid him as such funds, conditioned for the safe keeping and paying out said money, according to this act, and in case he shall fail therein he shall forfeit, in addition to the amount in his hands, twenty-five per cent more as damages, and both these amounts shall be collected on his bond by the treasurer and added to said regimental fund. For safe keeping and disbursing said fund, the adjutant shall be allowed to retain ten per cent of the same, besides the pay due him for military services; he shall pay no moneys except upon the warrant of the regimental board, signed by a majority thereof, with the commander of the regiment as president.

4. On the first Monday of May in each year, the regimental board shall meet at head quarters, and after ascertaining the amount of the regimental fund, and deducting therefrom the expenses incurred for the preceding year, they shall determine upon the manner of expending the residue, and if they distribute it among the officers and men as herein provided, they shall make out a roll of the persons entitled to receive it, with the sum to which each one is entitled set opposite his name, which roll shall be signed by a majority of said board and delivered to said adjutant, and shall be his authority for paying out said residue, and

Organization of
a regimental board.
1850
214. 9

What distribution
of funds is to be
made by said board.

What bond is to
be furnished by the
regiment adjutant.
1850.
215. 10

What forfeiture
he is liable to.

His remuneration.

Warrants on
which he shall
make his payments.

Meetings and du-
ties of the regi-
mental board.
1850,
215. 11

he shall pay to each person named on said roll the sum to which he is entitled upon demand, under the penalty above provided.

5. The militia of this State shall be divided into active and enrolled militia; the active militia to consist of uniformed volunteer corps, organized and doing duty as provided by law, the enrolled militia to consist of all persons liable to do militia duty, to be enrolled and officered as now provided by law, but not belonging to any volunteer corps, and hereafter not to be called out, except in cases of invasion, insurrection, or requisition by the United States; Provided that the officers shall turn out according to law. The volunteer corps in each regiment, shall not exceed, in enrolled members, one-fourth of the whole number enrolled and liable to militia duty, but this restriction shall not embrace the Louisiana Legion, Louisiana Volunteers, nor Washington Regiment, in the city of New-Orleans, and the provisions of this act shall not affect the organization of said corps, except that they shall be entitled to the benefits of the commutation fund and exemptions, the same as other volunteer corps.

Division of the militia of the State into active and enrolled militia.
1850
215. 12

6. The following persons shall be exempt from paying the commutation of one dollar and fifty cents: First, all officers of division, brigade, regiment or separate battalion, and all officers of volunteer corps who have performed militia duty or paid their fine at every parade as required by law, throughout the year in which the assessment is made, upon presenting the certificate of their commanding officer showing the fact: Second, all officers of the militia and all members of volunteer corps, who have done duty or paid the fine, as required by law, for five years, shall upon the certificate of their commanding officer be exempt.

What persons are exempt from paying the commutation tax.
1850.
215 13

7. The existing divisions and bounds of the several companies, battalions, regiments, squadrons, brigades and divisions of the militia shall remain as they now are, reserving to the commander in chief the right of altering them as he may think necessary to produce uniformity in the organization. The commanding officer of each regiment shall also have the power to alter the bounds of the companies of his regiment, so that each, if possible, shall include sixty four men.

Existing divisions of companies retained.
1842.
324, 2

8. Each company shall consist of one captain, one first lieutenant, one second lieutenant, four sergeants, four corporals, and if possible sixty privates; each company of artillery shall moreover have three artificers.

Composition of company.
1842.
324, 3

9. Each regiment shall consist of one colonel, one lieutenant colonel, one major, one adjutant, one quarter-master, one pay-master, one surgeon, one assistant surgeon, one sergeant major, one quarter-master sergeant, two chief musicians, and if possible, of ten companies.

Composition of regiments.
1842.
326. 4

If each regiment forms but one battalion, the colonel shall be the chief of it; if it be divided into two battalions, the lieutenant colonel shall be the chief of one battalion, and the major the chief of the other.

Chiefs of battalions
1842.
326, 5

10. Any number of companies less than eight, and more than three, not belonging to any regiment, shall be considered as a battalion, and shall be commanded by a major and have a temporary staff; two or three companies not belonging to a regi-

Battalions of less than 8 companies how organized:
1842.
326, 6

ment or battalion shall be considered as a battalion, and be commanded by the oldest captain, and have only an acting staff.

11. A troop of horse shall be composed of one Captain, one first lieutenant, one second lieutenant, one cornet, four sergeants, four corporals, one farrier, one saddler, and at least thirty privates.

12. Two troops shall form a squadron, and be commanded by the oldest captain; two or three squadrons shall be commanded by a major, and have the same staff as battalions of less than eight companies.

13. Four squadrons of horse shall form a regiment, and be commanded by a colonel, and have the same staff as a regiment of infantry.

14. When two corps commanded by majors are consolidated to form a regiment, the oldest major shall be commissioned as lieutenant colonel.

15. A brigade shall consist of a brigadier general, a brigade-major (who is also brigade inspector) an aide-de-camp for every two regiments in the brigade, a brigade quarter master, a brigade pay-master, a surgeon of the brigade staff and of all the troops within the bounds of the brigade.

17. A division shall consist of a major general, an inspector of division, a quarter master of division, two aides-de-camp, an additional one for every brigade more than two in the division, a pay-master of division, a surgeon of the division staff, and all the troops within the bounds of the division.

17. The Governor of the State is the commander in chief; his staff shall consist of the adjutant and inspector-general of the State, the quarter-master general of the State (who in time of peace shall act as pay-master general), the surgeon general of the State, and of at least four aides-de-camp, and as many additional ones as may be necessary.

18. The adjutant and inspector general shall have the rank of brigadier general; he shall be appointed by the governor, with the advice and consent of the Senate, at the period fixed by existing laws; he shall receive quarterly from the treasurer of the State, on his own warrant, the salary established by law; he shall perform all the duties imposed upon him by the laws of the United States, or which by military usage belong to the chief of the staff of the commander in chief; he shall keep his office at the seat of government; he shall inspect all the forces of the State at least once in each year, and shall be further bound to inspect any part thereof whenever required so to do by the commander in chief, and shall make a report of the state of the militia to the legislature within the first ten days of their sessions; he shall furnish all such reports, statements and returns as may be required by the commander in chief, and shall transmit all such orders as may be sent to him for that purpose; he may appoint an assistant, who shall have the rank of captain, and who, in the absence of the adjutant general from head quarters, may receive and transmit all orders, reports and returns. The adjutant general shall furnish printed forms of all the returns required, the

expense of printing which shall be paid by the State treasurer on the warrants of the adjutant general approved by the gover-

Composition of
troop of cavalry.
1842-326. 7

Of Squadron of
Cavalry.
1842-326. 8

Of Regiment of
Cavalry.
1842-326. 9

Consolidation of
Squadrons.
1842-326. 10

Composition of
Brigade.
1842-326. 11

Of Division.
1842-328. 12

Staff of Comman-
der in chief
1842-328. 13

Adjutant General

His duties.

May appoint as-
sistants.
1842-328. 14

nor; he shall have charge of all the arms, munitions and accoutrements belonging to the State; for any neglect of his duties he shall be liable to be fined, by a general court of assessments, not less than fifty dollars nor more than five hundred.

19. The quarter master general shall have the rank of colonel; the surgeon general shall have rank similar to that of the surgeon general of the United States army; the aides-de-camp of the commander-in-chief shall have the rank of colonel; the inspector of division shall have the rank of lieutenant colonel; the aides-de-camp of a major general shall have the rank of major; the quarter master and pay-master of brigade, and aides-de-camp of a brigadier general shall have the rank of captain; the adjutant, quarter master, and pay-master of a regiment shall have the rank of first lieutenant; the surgeons and assistant surgeons, whether of the general or regimental staff, shall rank as surgeons and assistant surgeons of the United States army. All non-commissioned staff shall rank as they do in the United States army. Temporary and acting staff and non-commissioned staff officers shall be appointed from the line, and have no other rank than they hold in the line; they shall have, however, the authority of the office they are appointed to.

Rank of staff
officers.
1842
330. 15

20. Except the adjutant and inspector general, all staff officers shall be appointed by, and hold their commissions at the pleasure of their immediate chief; they shall be commissioned by the governor, upon the nomination of the appointing officers. An officer of the line receiving a staff appointment may retain his commission in the line.

Appointment of
staff officers.
1842
330. 16

21. The duties of all officers, non-commissioned officers and privates, shall be such as by military law and usage are required of similar grades in the army of the United States, and by the laws of this State or the United States.

Duties of different
grades in militia.
1842
330. 17

22. The brigade inspector shall attend all battalion or regimental musters of the brigade to which he belongs, and make strict inspection of each corps, and proper returns thereof; he shall distribute the forms received from the adjutant general, and condense and transmit all returns made in conformity therewith; he shall keep the roster of the officers of the brigade, and make all details for detachments therefrom; he shall receive and inspect all detachments from the different corps of the brigade and see that they are marched to their place of rendezvous. For every day actually employed in his duties, when not in the service of the United States, he shall receive four dollars, to be paid out of the fines which are payable into the State treasury under the provisions of the act of 1842, by the officers charged with the collection and safe keeping of said funds.

Duties and pay of
brigade inspector.
1845
67. 23
1842
330. 18

23. The major general shall be elected by the officers of the line of the division, the election to be ordered by the commander-in-chief, to be held at some convenient place or places in each brigade after reasonable notice, and by the brigade inspector, or one or more officers of the division above the rank of captain. The polls shall be certified by the officers who held the elections, and transmitted to the commander-in-chief, who shall commission the person having the majority of votes of all the qualified vo-

Election of major
general.
1842.
332. 19

ters in the division. If there be a tie, the commander-in-chief shall give the casting vote. If neither of the candidates receive a majority of the qualified votes of the division, the Governor may appoint and commission a major general for the division.

Of Brigadier General.

1842.

332. 20.

24. The brigadier generals shall be elected by the officers of the line of the brigade, the election to be ordered by the major general of the division, and held by the brigade inspector, or one or more officers of the brigade above the rank of captain, at such convenient place or places within the different regiments of the brigade as the major general may designate, and after reasonable notice. The polls shall be certified by the officers who held the elections, and transmitted through the major general to the commander-in-chief, who shall commission the person having the majority of all the qualified votes of the brigade. If there be a tie, the commander-in-chief shall give the casting vote. If neither candidate receive a majority of the qualified votes, the Governor may appoint and commission a brigadier general for the brigade.

Election of colonel.

1842

334. 21

25. Colonels shall be elected by officers of the line of the regiments; the election to be ordered by the brigadier general of the brigade, and held by the brigade inspector, or one or more officers of the brigade above the rank of captain, at such convenient place or places within the regiments as the brigadier general may designate, and after reasonable notice. The polls shall be certified by the officers who held the elections, and transmitted through the brigadier general to the commander-in-chief, who shall commission the person having the majority of votes if he receive a majority of all the qualified votes of the regiment. If there be a tie, the commander-in-chief shall give the casting vote. If neither candidate receive a majority of the qualified votes, the Governor may appoint and commission a colonel for the regiment.

Election of lieutenant colonels and majors.

1842

334. 22

26. Lieutenant colonels and majors of regiments forming one battalion shall be appointed and commissioned in the same manner and under the same rules; but when the regiment is divided into two battalions, each battalion shall elect its own commanding officer. If the vacancy be in the office of lieutenant colonel, and there be a major to the regiment, a major shall be elected to fill the vacancy, and the major of the regiment shall be promoted to the rank of lieutenant colonel, and receive a commission as such, but retain his own battalion. The elections of the lieutenant colonels and majors of regiments divided into two battalions, and of majors of separate battalions, shall be ordered, held and certified in the same manner and under the same rules as those of colonels; and if there be a tie, or neither candidate have received a majority of the qualified votes of the corps, the commander-in-chief shall give the casting vote, or fill the vacancy by appointment as the case may be.

Of captains, first and second lieutenants and cornets.

1842.

334. 23

27. Captains, first lieutenants, second lieutenants, and cornets shall be elected by those below them in rank of the company or troop to which they belong, the election to be ordered by the colonel of the regiment or major of the separate battalion to which the company or troop may belong and held by the adjutant of said

regiment or battalion, or some officer appointed to do his duty, at some one place within the bounds of the company, to be designated by the officers ordering the election. The polls to be certified by the officer who held the election, and transmitted through the officers who ordered it to the commander-in-chief, who shall commission the person having the majority of all qualified votes in the company or troop. If there be a tie the commander-in-chief shall give the casting vote. If neither candidate receive a majority of the qualified votes of the company or troop, the Governor shall appoint and commission a person to fill the vacancy.

28. No person shall vote for any officer of the militia by virtue of any appointment in the staff.

No staff officer to vote.

29. Every officer who has ordered an election shall transmit to the commander-in-chief, together with the certified polls sent to him by the officers who held it, a copy of his order for the election, and a certificate of the manner in which said order was promulgated, and whenever it appears by said documents that the election has been so illegally conducted, or that the order of notice has been so insufficient that the result might have been different had these been correct, the commander-in-chief shall order a new election, and if an election be contested, he may, if he think fit, order a court of enquiry to examine into the facts.

1841.
336. 24
Certificate of election.
Contested election.
1842
336. 25

30. All officers must reside within the bounds of the corps they command, or (if they be staff officers) to which they are attached, but in New Orleans or other incorporated towns, they may reside without the bounds of the said corps if they live within the city or other incorporated town.

Officers to reside within their command.

1842.
336. 26

31. No commission shall issue to any officer until he shall have deposited in the office of the adjutant general his written acceptance of the office to which he is to be commissioned and his oath of office taken according to law; and this shall then be certified on the commission by the adjutant general, and shall be full proof of the acceptance and oath of office.

Acceptance and oath of office to be filed.

1842.
336. 27

32. If one month after the return of any election to the commander-in-chief, the acceptance and oath of office mentioned in the preceding section be not deposited in the office of the adjutant general, the election shall be declared void and another ordered, at which the person thus neglecting the provisions of the said preceding section shall not be re-eligible.

If not done, election void.

1842.
338. 28

33. All resignations shall be addressed to the commander-in-chief, and no officer shall be released from the duties appertaining to his office under the plea that he has resigned, until he can produce the written acceptance of his resignation from the commander-in-chief, or an official order from the same source.

Resignations.

1842.
338. 29

34. Every officer who accepts a commission shall be bound to serve for two years, unless he becomes disqualified by law.

Officers to serve two years at least.

1842.
338. 30

35. Every person liable to do militia duty, who shall be legally elected or appointed to any office in the militia to which he belongs, shall furnish his oath of office and acceptance within the legal delay, and perform the duties of such office, and for neglecting so to do, he shall be reported by the commander of the company, battalion, regiment or brigade, to the regimental court

Oath of militia officers.

1850.
216. 14

martial where he resides, and fined twenty-five dollars for every such offence.

Duty of officers
when sick or absent
by whom performed.
1842.
340. 32

36. Whenever any duty is imposed by law on an officer who is sick, absent or incapable, from any cause, of performing it, the officer next in rank to him in the corps, and so on in succession to the lowest in rank, shall be obliged to perform said duty, and in the performance of it shall have the same authority, right and power as the officer whose duty he performs; but when any such duty is imposed on an officer who neglects it, his immediate superior, and in succession those above him, shall be bound to take measures to have such duty performed, and may designate any officer under their command to perform it; and the officer so designated shall, while performing said duty, have the same authority, rights and powers as belong to the office the duty of which he is performing. And whenever the laws and regulations for governing the militia are not enforced, and the superior orders, duly obeyed, within the bounds of any corps in the State, either for the want of officers, or the neglect of those in commission, or from any other cause, the commander-in-chief is authorized to designate any officer to take charge of said corps, and to do all that the law requires to be done by any officer of it, or that may be necessary to restore its complete organization; and the officer so designated shall have all the authority, rights and powers of any of the officers whose duties he performs.

When corps di-
minishes below the
required number,
how disposed of.
1842.
340. 33

37. Whenever any corps diminishes below the number required by the law, the commander in chief may dissolve it, and annex the parts of which it is composed to some neighboring or convenient corps; in this case the commissions of the officers commanding said corps and of their staff shall expire. When several corps so diminish, they may be consolidated, and the commander in chief will designate those officers who will retain their commissions, and those whose commissions will expire, or he may order elections to fill all the grades in which there are too many officers; if any one of these be re-elected, he will be entitled to rank from the date of his first commission. When any corps increases beyond the number required by this law, the commander in chief may divide it, and assign the officers belonging to it to their appropriate commands in the new corps, and order elections to fill the vacancies thus created.

Companies may
be attached to reg-
iment or battalion.
1842
342, 34

38. Two or three companies may be attached to a regiment or battalion, and the officers will be entitled to vote for the commander of the regiment or battalion; but a battalion of four companies or more will be under the immediate command of the general of their brigade.

Non commission-
ed officers appoint-
ed by captains and
to serve two years.
1842
342, 35

39. All non-commissioned officers of companies shall be appointed by the captains of their companies, and shall be obliged to serve two years: a certificate of their appointment, signed by the captain of the company and commander of their battalion, shall be full evidence of their rank.

Officers, how re-
moved.
1842
342, 36

40. The Governor may, by and with the advice of the Senate, remove any officer of the militia, and he shall not be re-eligible to any office in the militia for one year thereafter.

41. Every officer of militia who shall not have been present at the general inspection, shall be bound to report himself.

42. If any officer of the militia be accused of any offence for which an officer in the militia in the service of the United States would be liable to be arrested and tried by a court martial, he shall be liable to be arrested and tried by a court martial, and if he be found guilty, shall be sentenced to be reprimanded, suspended for a certain period or cashiered; if he be cashiered, the court shall adjudge him incapable of holding any office in the militia for life, or for not less than one year, according to the gravity of the offence. All sentences shall be published in orders by the commander in chief, and as he may further direct.

Officers guilty of offences, how punished.

1842
342, 38

43. Any officer, on parade, may arrest an inferior for an offence cognizable by a court martial, of which arrest the immediate superior of the accused shall be forthwith notified.

Officer on parade, may arrest.

1842
344, 39

44. Any person accusing an officer of an offence, for which he would be liable to be tried by a court martial, shall lay his complaint before the immediate superiors of the accused, who shall transmit it with his own observations thereon, to the president of the regimental court martial, if against a regimental officer, and if against a general officer or officers of brigade, or division or general staff, to the commander in chief. In the latter case the commander in chief shall cause a court martial to be detailed, to try the accused, if the offence appears to merit it. The officer before whom the complaint is first made, may either arrest the offender or postpone his arrest, until he appears before the court martial; officers commanding a regiment or separate battalion, shall lay all charges with accompanying papers, against regimental officers, transmitted to them, before the next regimental court martial, who shall proceed to try them according to law.

Complaints against militia officers, how made.

1850
210, 1

45. The commander in chief shall order all courts martial, (except regimental courts martial) and courts of inquiry and general courts of assessment; regimental courts martial shall be constituted, empowered and act as follows: On the first Wednesday after the first Monday in January of each year, a regimental court martial shall assemble at the head quarters of every regiment or separate battalion, to consist of the commander of the regiment or separate battalion, as president, and the three commissioned officers next below him in rank, also a judge advocate and provost marshal to be appointed by said commander, said members shall be notified by the commander of the regiment of their duty to attend, a reasonable time previous to the day of sitting: And said court martial shall have power to adjourn from day to day, till the completion of all the business before it. A majority of all the members shall form a quorum; and if said commander be absent, the senior officer shall preside. It shall be the duty of said court martial to hear excuses for all delinquencies of the members of the regiment or separate battalion, for which fines have been imposed, or are liable to be imposed, during the preceding year, according to the provisions of law; also to hear, try and determine all charges against officers of said regiment or separate battalion, which would be subject to be tried by a

Organization of courts martial.

1850
210, 2

Duties of said courts martial.

Duty of persons accused.

court martial, according to the laws of the United States or of this State. And it shall be the duty of said commander to notify every officer of his regiment or separate battalion against whom any charges have been preferred, a sufficient time before the sitting of the regimental court martial, that he is so accused, and furnish him with a copy of the charges and specifications. It shall be the duty of all delinquents to take notice of the time and place of sitting of said regimental court martial, without any further or personal notification, and attend and render their excuses, or they shall be proceeded against, and the fines collected as provided by law.

Courts martial,
how composed.
1842.
344, 42

46. A court martial, other than a regimental court martial, shall consist of a president, at least six members and not more than twelve, a judge advocate, and a provost marshal. A court of enquiry and court of assessment shall each consist of a president, two members, a judge advocate, and a provost marshal.

Proceedings and
notices to be given
by commander in
chief.
1842.
344, 43

47. When the commander in chief orders a court martial for the trial of any officer, or a court of enquiry to examine into the charges, he shall give to the judge advocate a copy of the charges and specifications on which the accusation is made. The judge advocate is authorized to put such charges and specifications into legal form, without altering their substance, and shall then have a copy served on the accused by the provost marshal at least ten days before the day fixed for the assembly of the court, and allowing the accused also one day more for every twenty miles from his domicil to the place of sitting of the court,

Supernumerary
members.
1842.
346, 44

48. There shall always be detailed four supernumerary members for a court martial, and two supernumerary members for a court of enquiry or assessment, who shall attend the court until it is organized, to replace those absent or excused from serving.

Oaths to be taken
1842.
346, 45

49. The president, members and judge advocate of courts martial and courts of enquiry, and courts of assessment, shall take the oaths and be governed by the rules and regulations laid down for the army and militia in the service of the United States [changing what ought to be changed], but they may hold their sessions at night.

Oath of provost
marshals.
1842.
346, 46

50. The provost marshal, upon receiving his appointment, shall take an oath faithfully to perform the duties of his office, before any justice of the peace, and shall present said oath duly certified to the court upon its first sitting, to be recorded among their proceedings.

Witnesses how
summoned.
1842.
346, 47

51. The judge advocate shall issue summonses for all witnesses which the provost marshal shall serve; and if any witness duly summoned fail to appear, the court martial may fine him not more than twenty dollars, and attach him and compel his appearance.

Powers of courts
martial, &c.
1842.
346 48

52. Courts martial, courts of enquiry and courts of assessment shall have power to maintain order in their presence, and to commit to the prison of the parish in which either may be sitting for not more than twenty four hours, all persons guilty of any breach of order which would render them liable to be committed to prison in a court of law. All process of either court in the maintenance of its order and authority shall be served by the provost

marshal, and the latter, in the performance of his duty and in the collections of the fines, shall proceed as is directed for the sheriff in similar cases before courts of law, and shall have the same authority, privileges and rights, nor shall the execution of any such process be suspended by the dissolution of the court.

53. An officer arraigned before a court martial shall not have the right to challenge any member unless for cause.

Challenges only for cause.

1842.

348 49

54. The proceedings and sentence of a court martial shall be referred to the commander in chief: if he approve the sentence, it shall be executed accordingly, unless he think fit to remit the punishment; if he disapprove of it, the proceedings will end, unless he send back the matter to be reconsidered by that court.

Proceedings referred to commander in chief.

1842.

348. 50

55. The judge advocate and provost marshal of each court martial, court of enquiry or court of assessment shall receive a compensation to be fixed by the court, of not more than five dollars a day for the judge advocate and four dollars for the provost marshal, for each day necessarily engaged.

Compensation of judges advocate and provost marshal.

1845.

67, 3

56. Brigade courts of assessment shall be ordered whenever necessary by the brigadier general; general courts of assessment by the commander in chief.

Brigade courts of assessment.

1842.

348, 53

57. If a general or brigade court of assessment condemn an officer brought before it to pay a fine, a writ of execution, signed by the judge advocate and president of the court, shall issue to the sheriff of the parish where the accused resides, authorizing him to levy on the property of the accused and to make said fine and costs within thirty days, or then return said writ "no property found"; and if said fine and costs be not paid and the sheriff make the return aforesaid, the judge advocate shall transmit a copy of the judgment inflicting the fine, and of the return of the sheriff to the commander in chief, who shall thereupon dismiss the accused from the service of the State, and he shall not be eligible to any office in the militia for one year thereafter; and if the sheriff neglect diligently to execute said writ, he shall, on motion of the judge advocate of the court of assessment, before the court of his parish, be condemned to pay a fine of fifty dollars for the benefit of the fund into which said fine would have been paid.

Fines by court of assessment how executed.

1842.

350, 56.

58. When the certificate of any officer is made *prima facie* evidence before any court, it will not be necessary for that officer to attend in person unless cited by the accused as a witness.

Officers, when summoned.

1842.

352, 58

59. When an officer duly notified refuses to attend in person or neglects so to do before a Court Martial which is to try him, the judge advocate shall enter a plea of "not guilty" for him, and the trial shall proceed as if he were present. When an officer duly notified neglects to appear before a court of enquiry, the examination shall proceed as if he were present. When any one duly notified neglects to appear before a court of assessment, he shall be fined as if the offence were admitted; the respective courts, however, may allow time for the accused to appear, where good cause is shown for his absence.

Persons refusing to attend court martial when summoned.

1842—352; 59

60. Any two members of a court martial, court of enquiry or court of assessment may fine absent members not more than twenty dollars each, and may attach them and compel their atten-

Two members of court martial may fine absent members.

1842—352; 60

dance; and the judge advocate and provost marshal shall carry their orders into effect in the same manner as against absent witnesses.

Persons to cause
themselves to be
enrolled.

1842—322; 61

61. Every person subject to militia duty is bound to have himself enrolled, and is not entitled to receive any notice of enrolment; and every person subject to militia duty who shall neglect to report himself to the commanding officer of his company, or to the first sergeant thereof, within twenty days after he becomes liable to do duty in said Company, shall be liable to pay a fine of five dollars, to be collected as other company fines, as hereinafter provided for.

Enrolments when
made.

1842—354; 62

62. The enrolment shall be made in the month of February of each succeeding year.

Names, how and
by whom received
for enrollment.

33.

1842—354; 63

63. The captain shall make known, by notices posted up at least at six of the most public places in the bounds of his company, the place and hours at which he and the orderly sergeant will attend to receive the names of those who present themselves to be enrolled, and he may employ a person to receive these names in place of himself or the orderly sergeant. At the end of the month, he may send the orderly sergeant, or a person authorized in his place, to find the names of those who have neglected to enroll themselves, and shall add them to the roll; and if any person shall refuse to give his name, or the name of any person in his or her employ, or who dwells or boards in his or her house, or shall give the name incorrectly to the person authorized to demand it, such person shall be subject to a fine of ten dollars, to be recovered before any associate judge or justice of the peace having jurisdiction, by any officer of the militia, and no fees on the suit shall be required of the complainant.

Musters and re-
views.

1850—211; 3

64. Each volunteer company throughout the State, shall muster for drill and instruction, under the command of its company officers on the first Monday of every month, in each year, except April, at the company head quarters or such place within the bounds of the regiment, as shall be designated by its commander. And all the officers of each regiment or separate battalion, together with the volunteer corps belonging to the same, shall muster for battalion drill or inspection on such day in the month of April of every year and at such place, within the bounds of the same or of the brigade, as shall be designated by the commander of said brigade. Said muster shall be fixed by the commander of each brigade, entered in the orderly books and property promulgated throughout the brigade, and shall be so arranged as to enable said commander with the brigade inspector, and the rest of his staff, to attend and review and inspect each regiment and separate battalion in his brigade, every year; and it shall be their duty so to attend and inspect, under a penalty of twenty-five dollars, for every omission. All other musters (except drills established by the laws of volunteer companies) are hereby abolished, but the adjutant and inspector general shall inspect such particular corps as may be required by the commander in chief. It shall be the duty of every major general and his staff, to attend the annual parade of every regiment and separate battalion, in at least one brigade under his command every year, till he shall

Duties of com-
manding officers.

Penalty for breach
of duty.

have visited every regiment and separate battalion in his division.

65. All persons subject to militia duty, shall be bound to take notice of the time and place of the company, battalion, regimental and officers musters as established by law, and attend the same without further notification, at ten o'clock, A. M., on the day fixed for each respectively. Every time a company, battalion, or regiment musters, the orders fixing the times and places of the several musters, shall be read aloud before the muster is over. These times and places of muster, and the changes from time to time made in them, shall be reported to the commander in chief.

Obligations of
persons subject to
militia duty.
1850—211; 4

66. Company orders shall be published by posting them up at the public places within the bounds of the company, regimental orders by sending them to the commanding officers of companies, and other orders by sending them to the officers who are to execute them. All persons are bound to take notice of general orders published in the official Gazette of the State; in the city of New Orleans, all orders will be considered as sufficiently promulgated which are published in two newspapers of the city three times.

Company orders,
how published.
1842—356; 66

67. Special musters may on occasions of exigency or when time is wanting, be notified verbally.

Special musters
1842—356; 67

68. On the day of every brigade, regimental, battalion or company muster, the orderly sergeant of every volunteer company shall make a list of all persons belonging to the company, who, on that day, or since the last muster, have incurred fines for absence, neglect of duty, or any other delinquency. This list shall be certified by the commanding officer, with the orderly sergeant. If it be a brigade, regimental or battalion muster, the adjutant of each regiment or battalion shall make a like list of all field and staff officers of the regiment, and of all company officers of the enrolled militia, which he shall sign, together with the officer commanding the regiment or battalion on the day of muster. On these lists opposite the name of each delinquent, shall be written in full, the amount of the fine for which he is liable according to the provisions of the law, and the lists be placed in the hands of the commander of the regiment or separate battalion, who shall lay the same before the regimental or battalion court martial, on the morning of the first day of its sitting, immediately after it shall be organized. During the time of the sitting of said court martial, it shall hear and determine the excuses of delinquents thus returned; and in every case where a good and valid excuse shall be established by legal testimony, the presiding officer shall write "excused" opposite the name of each delinquent, and sign his name thereto; and no fine shall be collected from said delinquent for that delinquency. At the close of the sitting of the regimental court martial, the presiding officer shall write at the foot of every list of delinquents, which may have been laid before him, as follows: "Regimental (or battalion) court martial for the regimental (or battalion) sitting for January, 18—, A. B. (naming him) provost marshal, is ordered and empowered to collect the above fines, except such as have been excused by this court martial, as shown by this list," and shall sign it with his rank, and as president, and deliver it to

Lists of persons
having incurred
fines for neglect of
duties.
1850
211. 5

Said persons,
how proceeded
against.

Said fines, how
collected.

Duties and pow-
ers of the provost
marshal.

Penalty which he
may incur.

the provost marshal, who shall then have authority to collect the fines inscribed on said list, except those having the word "excused," written opposite them. Said presiding officer shall cause a duplicate of each list signed by him to be made and signed in the same manner, which he shall keep, and if the list delivered to the provost marshal be either lost or destroyed, he shall furnish him with a copy from the one retained, which shall be of as high authority as the original; each list thus placed in the hands of the provost marshal, shall have the force of a writ of execution, and by it he shall be authorized to seize and sell the property of delinquents, named and not executed in it, in the same manner as a constable is authorized to seize and sell on writ of execution, and said provost marshal shall within sixty days after the receipt of said lists make return of the same with his doings thereon to the commander of his regiment and pay the amount collected (deducting such per cent. as shall be allowed him by the court martial) to the treasurer of the parish or collection district, to be added to the regimental fund, and for neglecting to do so he shall be prosecuted by the district attorney before the district court, and condemned to pay to said fund the amount of fines contained in said list with twenty-five per cent. added as damages.

What returns are to be made by commanders of companies on the day of regimental parade in April.

1850
212. 6

Salary for making said returns.

Penalty for not making them.

Costs and commission of collector.

1842
358 71

69. On the day of regimental or battalion parade in April, any commander of company, whether enrolled or volunteer, shall make out a correct return of all persons enrolled and belonging to his company, noting those who are present and those who are absent, together with the arms and accoutrements in their possession, stating what belongs to the State and what are private property. Said return shall be signed by said commanding officer and delivered to the adjutant, and a copy of the same shall be delivered to the brigade inspector; within ten days thereafter the adjutant shall, from these returns, make a like return of the whole regiment, and transmit one copy thereof to the brigade inspector and one copy to the adjutant general. Each copy shall be signed by the adjutant and certified by the commander of the regiment. For making said enrollment and return, each commander of company shall receive from the regimental fund five dollars, upon the certificate of the adjutant, and for making his return, the adjutant shall receive five dollars from said fund, upon the certificate of the commander of the regiment; and for not making said enrollment and returns, said adjutant and commanders of companies shall be reported to the regimental court martial and fined ten dollars each. Within twenty days after the last parade in April, in each brigade, the brigade inspector shall, from the returns received by him, make a like return of the whole brigade, sign the same and send it properly certified by the commander of the brigade to the adjutant general, for the performance of which duty, he shall upon the certificate of the adjutant general, receive from the funds of the regiments in his brigade, ten dollars, and for the non-performance, he shall be fined twenty-five dollars.

70. The collector shall be entitled to recover with the fine the same costs as a constable in a writ of execution, and also to retain of the sums collected such per cent., not exceeding ten, as may be allowed him by the officer appointing him.

71. The person appointed to collect the fines shall be bound to collect and pay them over within thirty days, to the pay-master of the regiment or battalion, from the time he receives the lists, reserving, however, his per centage; and should any person amenable to the fine imposed have moved away from the parish and left nothing from which the fine can be made, the collector shall show that fact by his own affidavit, on the evidence of some credible witness, which evidence shall be filed with the pay-master, and shall discharge the collector from any accountability for said fine.

Collectors' duties.
1843
68. 2

72. The person appointed to collect fines shall be liable to be sued by the pay-master, in the ordinary tribunals, after he shall have had the lists of said fines in his possession for forty days and not accounted for the same.

How to be sued.
1843
68. 3

73. If the collector of fines should not find any property on which to levy, it shall be his duty to seize the salary or wages of the delinquent, if he be a public officer or in the employ of another.

Salary or wages
may be seized.
1843
68. 4

74. The fund created by the infliction and collection of fines for each regiment or battalion shall be administered by a Board, composed of the brigadier general, the colonel or officer commanding the regiment or battalion and the senior officer of the volunteers of the brigade.

Fund, how ad-
ministered.
1843
68. 5

75. The following fines shall be paid for the several offences: For absence from any company muster, for captain, ten dollars; for a first and second lieutenant, six dollars; for a sergeant, corporal, musician or private, two dollars. For absence from battalion or regimental or officers muster, for a captain, twelve dollars; for a first or second lieutenant or cornet, ten dollars; for a sergeant, corporal, musician and privates, three dollars; for a colonel, lieutenant colonel or major, twenty-five dollars; for commissioned staff each, six dollars. For any disorderly conduct on parade, or attempt to create disturbance, or interrupt the duties of the day, by ridiculous dress or equipments, double the fine for absence from company muster. Members of court martial or courts of assessment, for not attending and serving on the same, shall be fined five dollars for every day's absence, to be certified to the regimental court martial where they reside, by the commander of the brigade or regiment. For absence of general staff from annual parades, twenty-five dollars for each day. All fines shall be paid to the treasurers and belong to the regimental fund.

Rates of fines.
1850,
213. 7

76. The funds created by the collection of fines aforesaid shall be applied to the payment of the necessary expenses of the regiment or battalion, under the direction of the board aforesaid.

Fines, how ap-
plied,
1843.
68. 6

77. The surplus fund, over and above the necessary expenses of the regiment or battalion shall be paid over by the regiment or battalion pay-master to the brigade pay-master, and shall be under the direction of a board to administer the same, appropriated to the use and benefit of the volunteer corps of the brigade.

Surplus fund,
how administered.
1843.
68. 7

78. The board to administer the surplus fund mentioned in the foregoing section shall be composed of the brigadier general, the senior colonel of the militia and the senior officer of the volunteers; in case of vacancy of the office of brigadier-general, or his absence from whatever cause, his place shall be filled by the major

Board, how com-
posed.
1843,
68. 8

general of the division, and in his default by the Governor, or a general officer selected by him.

79. The orderly sergeant shall keep an account of the fines inflicted on each man, and in all details those who have the greatest amount of fines charged against them shall be the first for detail.

Orderly Sergeant
to keep account of
fines.

1842.

360. 75

Furnishing
quota for the
United States.

1842.

360. 76

80. Whenever the commander-in-chief is called upon to furnish a quota for the service of the United States, unless a sufficient number volunteer, the quota, or as many as may be necessary, shall be drafted either by entire companies or singly, as the commander-in-chief shall determine. He shall issue an order directing the number to be furnished by each corps, the manner of drafting them in the different grades required, the place of assembling, and the time at which they are required to present themselves.

Commander of
quota, how ap-
pointed.

1842.

362. 77

How commission-
ed.

1842.

362. 78

81. If the quota be formed by draft from different corps, the commander-in-chief shall appoint the commander of it; if an entire corps of sufficient strength volunteer, their commanding officer shall retain his command.

82. If the commander of any quota be appointed by the commander-in-chief, he shall be commissioned with the appropriate rank, but shall retain any commission he may previously have had, and resume its duties when he resigns the command of the quota.

Commander-in-
chief, when he
may order out a
portion of militia.

83. The commander-in-chief may, whenever he is of opinion the public safety requires it, order out any portion of the militia of the State and require them to perform any service or duty necessary for the public security, and troops thus called out shall be furnished with the necessary ammunition, equipage and quarters. Detachments called out for a less period than twelve hours shall be furnished with convenient quarters, or tents, and with lights and fire if necessary, and if required to serve more than twelve hours shall also be furnished with rations. All supplies shall be furnished by the quarter-master's department, and the quarter-master general is authorized to draw from the treasury, on his own warrant, the sums necessary to purchase supplies, for which he shall account to the State treasurer in the form and manner required of quarter-masters of the United States army. The officers of his department under him shall account to him in the same manner as he to the State treasurer. The commander-in-chief may require security of every officer to whom money is to be confided for the public service, and if such security be not furnished the officer must be removed and another appointed.

Security when
required of officers,

1842,

362, 79

Time of service
of detachment.

1843

364, 80

84. No detachment shall be required to serve more than three months at one time, unless in case of urgent necessity, when the commander in chief is authorized to detain them sixty days longer. The time in going to the place of rendezvous and returning from the place of discharge is not counted in the time of service.

Every officer may
call out his com-
mand. When and

85. Every officer of the militia is authorized, in case of sudden and urgent danger, to call his command into immediate service, and detain it until the necessity ceases or a superior officer

dismisses him. Immediate notice of danger must always be sent for how long.
to the nearest superior officer.

1842
364, 81

86. All militia men are free from arrest in all civil cases when going to or returning from militia muster, and during one day for every twenty miles they have to travel in so going or returning, their arms, uniforms, accoutrements, and the horses of those required to be mounted, with their equipage, are free from seizure in any civil action.

Militia free from
arrest, when.
1842
364, 82

87. The keepers of all ferries allowed to collect tolls, either under the authority of the State or the Parishes, must pass all persons subject to militia duty, going to or returning from muster, their horses and equipage free of toll, and if they delay them unnecessarily shall be subject to a fine not less than ten dollars, to be recovered by any person, before a competent tribunal, for the use of the fund of the regiment in which the muster took place.

Exempt from fer-
riage dues.
1842
364. 83

88. The commanding officer at any muster may prescribe limits to his parade, and if any one enter such limits without the consent or permission of the commanding officer (unless it be one peaceably passing along the public road,) or if any one attempt to interrupt the exercises by loud noise or unruly conduct, the commanding officer may arrest him and commit him to prison, if there be one convenient, or confine him under guard, if there is not, until sunset of that day.

Officers may lim-
it parades—persons
interrupting, how
punished.
1842
364, 84

89. Arms and accoutrements shall be issued from the State armory only to the officers commanding regiments or battalions, upon their giving sufficient security for the safe keeping of the arms, and to return them when required by the commander in chief, and they shall be liable for each arm or accoutrement not produced at any inspection in good order, and may be cited before a proper assessment court for the value of said arms, and be condemned there to pay it; which amount shall be recovered as fines before that court, and paid over to the State Treasury; reserving to any officer thus condemned the right of the same means in recovering the value of the arms from those to whom he delivered them.

Arms when and
to whom issued.
1842
366, 85

90. The Adjutant General and the division and brigade inspectors shall have the right of taking all arms and military property belonging to the State, wherever they may find them; and every person refusing to deliver up said arms or property may be compelled to do it by suit before any justice of the peace or other competent court, brought by the officer demanding them in the name of the State, and the defendant, if judgment is rendered against him, shall be condemned to pay a fine of twenty dollars for each offence.

Duties of officers
as to arms.
1842
366, 86

91. The officers of the militia, except those of volunteer corps, shall wear the uniform of their grade in the army of the United States; and the marks distinguishing rank of all officers and non-commissioned officers, including volunteers, shall be the same as those of the army of the United States.

Uniform of mili-
tia officers.
1842
366, 87

92. The militia shall be trained according to the system from time to time adopted by the United States, and no other shall be allowed at any muster established by law.

Militia training—
what system.
1842
366, 88

Rank, how established.

1842
368, 90

93. The companies of the regular militia shall take rank in the line according to the system laid down for the army; in volunteer corps they shall take rank according to the date of their formation; and among volunteer corps no companies shall have the right to the flanks of the battalion as grenadier, light infantry or riflemen, unless they are entitled to the place from the date of their formation, or receive it from the chief of the battalion as the reward of eminent conduct and discipline.

Mayor may require troops in case of public emergency.

1842
368, 91

94. In case of any conflagration or other public exigency happening in any incorporated city or town, the mayor or other chief officer thereof shall have power to demand from the officer commanding the militia of said place a detachment of men, to make patrols and maintain good order as long as the conflagration continues or the exigency exists, and the commanding officer shall furnish such detachment. The commander of the detachment shall have the right to demand of and receive from the civil officer requiring his services written instructions as to the duty expected of him.

Musters' notices to be given.

1842.
368, 92

95. When the militia are assembled for any other than the regular musters, it will be sufficient if a verbal notice of the time and place of assembly be given personally, or left by any officer or non commissioned officer, or person authorized by the captain of the company to deliver notices, with a free person apparently above fourteen years of age, at the dwelling house, store, (whether the person is there as clerk or proprietor), office or boarding house of the person to be summoned; and it shall be the duty of all persons who are not householders to inform the orderly sergeant of their company of the place where they wish notice to be left, and if they do not they shall be considered as notified.

Who exempt from militia duties.

1842.
370, 93

96. The following persons shall be exempted from militia service; the members of the General Assembly, the judges of the Supreme and District Courts, the justices of the peace of the city of New-Orleans, the secretary of State, the secretary of the Senate and clerk of the House of Representatives, clerks of courts of record, sheriffs, physicians, ministers of the gospel, the mayors and recorders of incorporated cities and towns. If any of these officers accept of a commission, they will be considered as having waived their exemption.

Volunteer companies how organized

1842.
370, 94

97. Volunteer corps and companies may be organized in the State, under the same rules as companies or corps of the regular militia, with the following exceptions and regulations: Each company shall consist of not less than forty privates for artillery and infantry and of thirty for cavalry. Companies and larger corps may make by-laws which shall be obligatory on the members and have the force of laws when approved by the commander in chief; and they may collect the fines therein inflicted before any judge or justice of the peace, without paying any fees but those which may be collected with the fine. They shall adopt no uniform or name unless it be approved by the commander in chief, and all the uniforms of each regiment or battalion shall, if possible, be alike, each company having the right to wear on the collar of the coat and on the cap some mark to dis-

tinguish itself. Battalions of less than four companies shall be attached to the most convenient regiment or battalion; battalions of more than four companies shall report directly to the brigadier-general. Whenever a volunteer company shall appear at any three successive musters, whether battalion, company, or general musters, with one fourth less than the number of privates required to form such company, the commander in chief may dissolve it.

98. Nothing herein contained shall in any manner affect any provision of law heretofore enacted for the government and appointment of the officers of the Legion of Louisiana.

Not to affect law
passed concerning
Legion.
1842.
370, 95

99. The commander in chief is authorized to alter the organization, so as to adapt it to any change in the strength of the corps, and to assign officers of the requisite rank, if any are already elected, to their proper commands; Provided that the provisions of this section shall not apply to the Legion of Louisiana.

Commander in
chief may alter
organization.
1842.
372, 96

100. Officers of the militia and officers and men of volunteer corps who shall serve faithfully five years, and shall produce from their immediate commander a certificate that they have faithfully so served five years in a corps which during that term was always kept up to the number required by law, shall afterwards be exempt from serving in the militia, unless when called into the service of the United States.

Militia exempt
after five years.
1842.
372, 98

101. All the returns, certificates, reports and communications required to be made to the commander in chief shall be addressed to the adjutant and inspector general at New-Orleans.

Returns, &c. to
whom addressed.
1842.
374, 101

102. Whenever any change is made in the organization of the militia by Congress, the commander in chief shall immediately carry such change into effect by general order, and may in the same manner establish such subordinate regulations as the said change may render necessary, and such orders and regulations shall have the force of law.

Change made by
Congress.
1842.
374, 102

103. The adjutant and inspector general shall compile such of the regulations of the army as are most necessary to be known to the militia, and shall add thereto blank forms of all the returns, statements, reports and certificates required, and shall have a sufficient number of this law and regulations published in English and French in the same form as the militia law of 1834, so as to furnish all the officers of militia with a copy, and at the end of every session of the Legislature all the laws passed during the same on the subject of the militia shall be compiled by the same officer, and he shall have them published in French and English, in the same form as this, and distributed to the officers. Such orders and regulations issued by the commander in chief as are of a general and permanent nature shall be published and distributed in the same manner. The expense of printing and distributing all these shall be paid by the State treasurer, on the warrant of the Governor.

Duties of Adjutant
General as to com-
piling regulations.
1842.
376, 103

104. The Governor be, and he is hereby authorized to organize any volunteer companies that may present themselves in companies, battalions and regiments, agreeably to the rules and regulations established by the United States, or the laws of this State, for governing the militia.

Louisiana legion
how formed.
1820
93. 1

Brigade to be
formed.
1820
98. 2

105. So soon as the said volunteers to the number of one thousand, non-commissioned officers and privates, shall be obtained, whether infantry, cavalry, artillery or rifle-men, the Governor may form a brigade, to be called the Louisiana legion, of said volunteers, to be commanded by a brigadier general, to be elected by the commissioned officers of the brigade; the non-commissioned officers and privates shall elect the company officers, the company officers shall elect the majors, the majors and company officers shall elect the lieutenant colonels, the lieutenant colonels, majors, and company officers shall elect the colonels of said brigade. All elections shall be made under the direction of the commander-in-chief, and shall be by ballot.

Staff, how formed.
1820
98. 3

106. The aforesaid brigade shall have a staff, as provided by the militia laws of this State, or the laws of the United States, now in force for the standing army. The uniforms shall be such as shall be approved by the commander-in-chief.

1820
98. 4

107. No private shall be admitted into any company until he shall be completely uniformed and equipped, as shall be approved by the commander-in-chief.

1820
95. 5

108. All officers elected shall be commissioned by the Governor.

1820
100. 6

109. The Governor may authorize the commandants of brigades to organize independent companies in their respective brigades, when requested thereto by the commandant of a regiment, and when such company shall consist of more than thirty non-commissioned officers and privates, the said non-commissioned officers and privates shall elect their own officers, who shall be commissioned by the Governor, on the certificate of the commandant of the brigade.

1825
90. 1

110. The Governor be, and he is hereby authorized to form the two companies of artillery of New Orleans into a battalion, and that the officers of said companies be, and they are hereby authorized to elect, by ballot, a major and other staff officers.

1833
43. 1

111. The commander-in-chief is authorized to organize the legion of Louisiana into a brigade, and to order the election of a brigadier general, whenever he shall think it proper, any law to the contrary notwithstanding.

1834
166. 95

112. The Louisiana legion shall be organized by the commander-in-chief, under the general law for the militia, and have the privilege of making rules for its government, not inconsistent with the laws of the State, and of the United States, which, when approved by the commander-in-chief, shall have the force of law.

1834
166. 97

113. The officers of each battalion shall be elected by the battalion, but the commander of the legion, though he be at the same time a chief of a battalion, shall be elected by the officers of all the legion, but shall only be commissioned as the officer of the battalion of which he is chief. If he be of the rank of brigadier general, he shall be elected as other brigadier generals; if of the rank of major general, he shall be elected by all the officers of the legion entitled to vote for brigadier general, and by the brigadier generals.

1834
166. 98

114. The commander-in-chief is authorized from time to time to alter the organization of the battalions and squadrons so as to

adapt it to the increase of companies, and to assign officers of the requisite rank, if any are already elected, to their proper commands.

115. The officers and sergeants of the legion are exempted from camp duty, but such as are found upon inspection of the brigadier general, to be ignorant of their duty, may be required to do camp duty in the first brigade.

1834
167. 99

116. The annual appropriation for the use of the legion is continued, and is to be distributed among the companies, according to the average number of privates actually present at each regular muster of the legion in the year previous, and it shall be paid in the month of January in each year.

1834
167. 100

117. The annual sum granted by the State to the Louisiana legion be, and is hereby increased to four thousand dollars, the commanding officer of said legion to give good and sufficient security to the State Treasurer.

1837
75. 3

118. The legion of Louisiana shall be inspected, reviewed and mustered by the brigadier general once in each of the months of February, May, August and November of each year, which inspections shall be announced one month previous, in at least two papers published in New Orleans, in French and English, and any person belonging to said legion who shall fail to attend, without sufficient cause, shall be liable to a fine of five dollars if a commissioned officer, four dollars if a non-commissioned, and three dollars if a private, musician, miner or drummer.

Legion, how mustered.
1830
66. 2

119. There shall be attached to the legion of Louisiana a court of assessment, composed of one superior officer, who shall be the president, and shall be designated by the brigadier-general, of the adjutant major, acting as secretary, one commissioned officer and one private, to be drawn by lots from among the commissioned officers, non-commissioned officers, and privates of the said legion; which court of assessment shall meet three days after each muster, as prescribed in the above section, and try such persons as may be reported as delinquents by the captains of the different companies.

Court of assessment.
1830.
66. 3

120. A copy of every judgment rendered by the court of assessment shall be delivered to the sheriff of the parish of Orleans by the adjutant major; and it shall be the duty of said sheriff to proceed to the execution of such judgments, and out of the proceeds of the same, he shall be entitled to a commission of ten per cent.

Judgments, how executed.
1830.
68. 4

121. In case of non-payment of fines imposed by the aforesaid court of assessment, the delinquent against whom judgment shall have been rendered, shall be taken by the sheriff to the city jail, where he shall be kept, and remain not exceeding twenty-four hours, unless he prefers paying the said fine.

Imprisonment in case of non-payment.
1830.
68. 5

122. Besides the musters prescribed, the legion of Louisiana shall take arms on days of national festivities, and may be ordered to turn out and be drilled, at least once a month, on such a day and at such a place as the commanding officer may think fit to direct.

Legion when called out.
1830.
68. 6

123. Whenever the mayor of the city of New Orleans shall deem it expedient to apply to the commander of said legion for a

Mayor may call upon legion.

1830.
68. 7

detachment of troops from his corps, it shall be the duty of said commanding officer to comply with the requisition, provided that the said commanding officer shall have the right of demanding from the said mayor to be furnished with written orders, or instructions, signed by the said mayor, as to the duties he shall have to perform.

Legion part of
first division.
1839.
80. 6

124. The legion of Louisiana is hereby declared a part of the first division of the militia of Louisiana, and shall be esteemed as under the command of the major-general of the first division.

First brigade.
second brigade.
third brigade.
compose first division.
1848.
13. 1

125. The parishes of Bossier, Claiborne and Bienville, shall compose the first brigade; the parishes of De Soto, Caddo and Sabine, the second brigade; and the parishes of Natchitoches, Rapides and Avoyelles, the third brigade; said brigades compose the fifth division of the militia of the State of Louisiana.

Major General to
be appointed.
1848.
13. 2

126. The Governor of the State, shall be authorized by and with the advice and consent of the Senate, to appoint a major-general to said division, for each brigade a brigadier-general who shall hold their offices for the term of four years; Provided, no such appointment shall be made when there are already officers commissioned, who would be thereby suspended.

Regiment of Louisiana Volunteers,
and Washington
Regiment exempt
from serving on
jury.
1845.
89. 1

127. The officers belonging to, or who may hereafter belong to "the Washington Regiment," or "Regiment of Louisiana Volunteers," of the first division of Louisiana Militia, and not more than twenty privates in each company of said two corps, shall be exempt from serving on any jury within the first judicial district of this State, upon the following conditions: first, a list of persons entitled to this exemption shall be made out and handed to the sheriffs of the several parishes, when the said persons would be subject to jury duty, in the month of October of each year; and as often during the year as additional names are to be added, or names struck off, or exchanged, a list of the same shall be handed to said sheriffs, which list shall be certified as to the companies, by the commanding officer thereof, and as to the field and staff and non-commissioned staff by the adjutant or person doing his duty, and be countersigned by the commander of the regiment to contain a true and correct list of persons actually belonging to said corps, and who faithfully perform service therein as required by law, or in default thereof have complied with the conditions upon which they have been excused from such service: Second that complete returns of said regiments, shall be made every three months to the adjutant-general's office, showing the members actually present at the regular musters, to be certified by the regular inspecting officer, or in default of such inspectors, by the commander of the corps; Third, when it shall appear by said returns that for two quarters, any company shall have never mustered more than twenty privates present, the members of said company shall lose their right to exemption from jury duty until it shall have for two succeeding quarters mustered the necessary number.

Certificate, how
given,
1845,
90. 2

128. A certificate that an officer, non-commissioned officer or soldier is exempt from jury duty and that his name has been certified as so exempt to the proper sheriff, which certificate as to members of companies shall be signed by the commander thereof and as

to field and staff and non-commissioned staff officers, by the person acting as adjutant of the regiments, and shall be countersigned by the commander of the regiments, shall entitle the holder thereof to be exempt from serving on any jury and shall be full proof of such exemption.

129. The rules, regulations and conditions for the admission of officers, non-commissioned officers and privates, into either of these regiments, with the right to be exempted thereby from jury duty, shall be such as the commanding officer of each corps may hereafter fix and establish, from time to time as he may deem proper; Provided that said rules, regulations and conditions be equal for each regiment.

Rules as to exemption to be established by commanding officer,
1845,
90, 3

MECHANICS' PRIVILEGES.

1. In all claims exceeding five hundred dollars, no architect, undertaker, or other workman, shall enjoy with regard to a third party any privilege or legal mortgage on any immoveable property, ship, vessel, or water craft, on account of any work, furniture, building or repairs, unless they shall have entered into a written contract with the owners of such immoveable property, ship, vessel or water craft, and the said contract shall have been recorded by the recorder of mortgages, or by the Recorder of the parish, in which such immoveable property is situated, or wherein the said ship, vessel, or other water craft is lying at the time of the contract, within the time and in the manner prescribed by law, and in case the said immoveable property, ship, vessel or water craft, should be sold, the workman, architect, undertaker, or carpenter, if the contract has not been recorded as aforesaid, shall have no action for their payment against the purchaser of said immoveable property, with whom they shall not have contracted, and in case of the failure of the person with whom they shall have contracted, they shall be considered as simple creditors, unless they shall have caused their contract to be recorded agreeably to the provisions herein contained; Provided that with respect to claims under five hundred dollars, which have not been reduced to writing and recorded as aforesaid, said claims be prescribed with respect to third persons, after one year had elapsed from the time of the completion of the said work.

How privileges of architects and undertakers preserved.

1817.
122. 8

2. Every mechanic, workman, or other person, doing or performing any work towards the erection, construction or finishing, of any building in this State, erected under a contract between the owner and builder, or other person, whether such work shall be performed as journeyman, laborer, cartman, sub-contractor, or otherwise, and whose demands for work and labor done and performed towards the erection of such building has not been paid and satisfied, may deliver to the owner of such building an attested account of the amount and value of the work and labor thus performed and remaining unpaid, and thereupon such owner shall retain out of his subsequent payments to the contractor the amount of such work and labor, for the benefit of the person so performing the same.

Notice of mechanics to owners, of accounts due them by undertakers, how given and the effect.

1844.
34. 1

3. Whenever any account of labor performed on a building erected under a contract, as aforesaid, shall be placed in the hands

Duty of owner thereon.

1844.
34. 2

of the owner of such building, or his authorized agent, it shall be the duty of such owner or agent to furnish his contractor with a copy of such papers, in order that if there be any disagreement between such contractor and his creditor they may by amicable adjustment between themselves, or by arbitration, ascertain the true sum due, and if the contractor shall not, within ten days after the receipt of such papers give the owner written notice that he intends to dispute the claim, or, if in ten days after giving such notice he shall refuse or neglect to have the matter adjusted as aforesaid, he shall be considered as assenting to the demand, and the owner shall pay the same when it becomes due.

If contractor dispute the account to be referred to arbitration.
1844.
34. 3

4. If any such contractor shall dispute the claim of his journeyman, or other person, for work or labor performed as aforesaid, and if the matter cannot be adjusted amicably between themselves, it shall be submitted, on the agreement of both parties, to the arbitrament of three disinterested persons, one to be chosen by each of the parties and one by the two thus chosen, and the decision in writing of such three persons, or any two of them, shall be final and conclusive in the case submitted.

If not paid after arbitration, duty of owner towards mechanic.
1844.
34. 4

5. Whenever the amount due shall be adjusted and ascertained, as above provided, and if the contractor shall not, within ten days after it is so adjusted and ascertained, pay the sum due to his creditor, with the costs incurred, the owner shall pay the same out of the funds, as provided; which amount due may be recovered from the said owner, by the creditor of said contractor, in an action for money had and received to the use of said creditor, and shall be entitled to the same privilege as the contractor to whose rights the said creditor shall have been subrogated, and to the extent in value of any balance due by the owner to his contractor, under the contract with him at the time of the notice first given as aforesaid, or subsequently accruing to such contractor under the same, if such amount shall be less than the sum due from said contractor to his creditor.

Extension of the above provisions.
1844.
35. 5

6. All the said provisions shall apply to the person furnishing materials of any kind to be used in the performance of any work, or construction of any building in the State of Louisiana, as well as to the work done and performed towards such erection or finish by any mechanic or workman, and the same proceedings shall be had on the account, duly attested, of each person furnishing materials, and the same liabilities incurred by, and enforced against, the contractor or owner of such building, or other person, as those provided by this act for work or labor performed.

If collusion between owner and contractor and money paid in advance to contractor, owner liable to mechanic.
1844.
35, 6

7. If, by collusion or otherwise, the owner of any building erected by contract, as aforesaid, shall pay to his contractor any money in advance of the sum due on said contract, and if the amount still due the contractor, after such payment has been made, shall be insufficient to satisfy the demand made for work and labor done and performed, or materials furnished, the owner shall be liable to the amount that would have been due at the time of his receiving the amount of such work, in the same manner as if no such payment had been made. Act. of 18th, March, 1850.

MINORS AND TUTORS.

1. The legal mortgage which exists in favor of minors on the property of their tutors cannot be injured by not being recorded, saving the recourse of those who may happen to be prejudiced thereby against the persons who are mentioned in the following sections.

Legal mortgages
not injured by
not being recorded.
1824.
166. 3

2. In case the judges or notaries shall have neglected to cause the said mortgages to be recorded, it shall be the duty of the tutors or curators of minors to cause the said mortgages to be recorded without delay and according to law; and if said tutors having failed to cause the said mortgages to be recorded should obtain or procure money or any other property on granting any privilege or mortgage on the same, without expressly declaring that it was subject to the legal mortgage of the persons whose property they are administering, they shall be considered as guilty of swindling and punished according to the criminal laws of this State, and moreover shall pay to the party suffering by it, such damages as the nature of the case may require.

Tutors and curators
to record the mort-
gages and penalty
if procuring money
without declaring
the mortgage.
1824.
168 7

3. Whenever a father or mother has appointed a tutor to his or her child, by his last will or testament, the said child shall remain under the authority of the said tutor until he or she arrives at the age of majority, or is emancipated; unless the said tutor should be removed from his office for any of the causes mentioned in the there hundred and twenty third article of the Civil Code.

Dative tutor, his
rights and powers.
1828.
58, 1

4. Any surviving father or mother who shall have heretofore become, or shall hereafter become the natural tutor or tutrix, curator or curatrix of their minor child or children, may and they are hereby permitted to give a special mortgage on immoveable property, not slaves, for the security of the rights and property of their said children and the faithful discharge of their functions as tutor or tutrix, curator or curatrix as aforesaid; Provided that a meeting of the family of the said minor or minors duly called according to law, on the petition of the said surviving father or mother to that effect, addressed to the District Court of the proper parish, shall declare that the property offered to be so specially mortgaged, is in the opinion of said family meeting of sufficient value to secure the rights of said child or children in capital and interest, which said mortgage shall be executed in the same manner that mortgages of like nature are now executed by curators ad bona of minors. And from and after the execution of the said special mortgage by the said father or mother, natural tutor or tutrix as aforesaid, all the remaining property of the said father or mother acquired or to be acquired, shall be completely discharged from all legal, tacit or any other description of mortgages, hypothecation or lien whatever arising from said tutorship.

Special mortgages
may be given by tu-
tors.
1830.
46, 1

5. In case of an adjudication made under the 338th article of the Civil Code, or any other law authorizing similar adjudications, a special mortgage may be given by the father or mother on real property, not slaves, to secure the rights of the minors; and such special mortgage shall have the effect of annulling the mortgage arising from such adjudication.

Special mortgages
in cases of adjudi-
cation.
1830.
46, 2

6. A special mortgage given in favor of a minor or minors

Change of mortgages in favor of minors.

1830.
46, 3

may be changed after a family meeting called and held according to law shall have recommended such change, and after the deliberations of said family meeting shall have been duly homologated; Provided that the title of the property proposed to be mortgaged shall be laid before the said family meeting and shall be carefully inspected by the under tutor and the judge.

Certificate and other proceedings required to change or give special mortgage.

1830
48, 4

7. In all cases of application made by a father or mother to give a special mortgage, the person applying shall be bound to present at the family meeting a certificate from the register of mortgages, showing what mortgages, if any, exist on the property offered to be specially mortgaged; the under tutor shall be called, and it shall be his duty to be present at the deliberations of the family meeting, and when not fully satisfied with the value or kind of property offered to be mortgaged, with the validity of the titles of said property, or with the deliberations of the family meeting, he shall refuse his approbation to said deliberations; and any under tutor neglecting to perform the duties hereby prescribed, or neglecting to ascertain the real value of the property offered to be mortgaged, shall be responsible to the minors for any loss they may experience from such neglect; and it shall also be the duty of said under tutor, whenever the value of the property specially mortgaged shall have diminished so as to endanger the interest of the minors, to require an additional mortgage.

Under tutor refusing to appear at family meetings.

1830
48, 5

8. When any under tutor shall refuse to approve of the deliberations of a family meeting, or object to their homologation, the court shall decide whether the opposition is well founded, and if unfounded the opposition shall be overruled, and the deliberations homologated as if no opposition had taken place: Provided, that when the court shall decide that the opposition of the under tutor is unfounded, and shall homologate the deliberations of the family meeting, the under tutor who shall have made the opposition shall be exonerated from the personal responsibility which is imposed upon him by the preceding section.

Costs,

1830
48, 6

9. All costs occasioned by the demand to give a special mortgage shall be paid by the persons making the application.

Act to be read by notaries, &c

1830
48, 7

10. It is made the duty of all public officers before whom family meetings shall be called, to read this law to them and to the under tutors, and any officer failing to perform this duty shall be responsible for any loss arising from such neglect either to the under tutor or to the minor or minors.

Property to be appraised.

1830
48, 8

11. In all cases when special mortgages shall be given by curators or tutors, in lieu of the legal mortgage existing in such cases, as recognized by law, it shall be the duty of the judge receiving such special mortgage, to cause the property proposed to be mortgaged to be appraised by experts, in the same manner as is provided when adjudications of the property of minors are made to their surviving father or mother, and the said judge shall in no case accept the said mortgage unless the value of the property so appraised shall exceed, exclusive of all prior liens, privileges or mortgages, the amount of the debts or rights of the minors intended to be secured by the said special mortgage, by at least twenty five per cent. in addition to the amount of the said

debts or rights, to be ascertained by a previous liquidation to be made according to law in the office of the judge having jurisdiction of the said matter and including all interest which will probably accrue.

12. There shall be no curator ad bona, or curator ad litem appointed in any case; the persons and estates of minors shall in all cases be placed under the power of tutors and under tutors; and the powers, duties and responsibilities of tutors and under tutors, as well as their liability to be removed from office, shall continue until the minor or minors attain the age of majority, or are otherwise emancipated: Provided this section shall not apply to cases in which curators ad bona shall have been appointed before the promulgation of this act.

Tutors and under
tutors to be contin-
ued until majority.
1830
48, 9

13. The grand father or grand mother when the tutorship shall have devolved or may devolve upon either of them by operation of law, shall be entitled to the benefit of the provisions in favor of natural tutor or tutrix contained in the fourth section.

Grand fathers and
mothers, their priv-
ileges.
1830
50, 10

14. Whenever it shall occur that no one will take upon himself the tutorship of a minor or minors, and comply with the existing laws by giving the required security for the tutorship of minors, it shall be the duty of the District Clerk, except in Parishes of Orleans and Jefferson, to summon a family meeting according to the provisions of law, and with its advice to nominate one discreet and responsible person in the Parish to be tutor, and another to be under tutor, who shall in all respects comply with the existing laws in relation to tutors, except that of giving security for his administration.

If no one will
take upon himself
the tutorship.
1846
64, 4
1834,
113, 4

15. Whenever an application shall be made by children having attained the age of majority to be paid their shares in the price of the adjudication of the property, if the family meeting be of opinion that said property is insufficient to cover the claims of all the children in principal and interest, and the father or mother to whom the property has been adjudicated is not possessed of other real property sufficient to supply by a special mortgage thereon the deficiency of the property adjudicated, the whole of the said adjudicated property shall be sold, and a division of the net proceeds thereof made among all the children pro rata; and after the said division shall have been made, the children who shall have attained their majority, shall be paid their respective shares accordingly, and the shares accruing to the then still minor children shall be placed in the hands of their tutor or curator, to be administered according to the rules and principles governing the administration of the property of minors by their tutors or curators.

Sale of property
of minors in parti-
tion.
1826.
88, 2.

16. Article six hundred and fifteen, Code of Practice, shall not be taken or construed to imply the nullity of a judgment where a minor has been regularly represented in a suit according to law.

Article 615 ex-
plained.
1826.
172, 12.

17. So much of article two hundred and eleven, Code of Practice, as goes to exempt from arrest emancipated minors for debts legally contracted by them after emancipation, be repealed.

Article 211 ex-
plained
1826.
168, 4.

18. All purchases which shall have been heretofore made at the sale of the effects of the succession of any deceased person, by the executor, executrix, administrator, or administratrix, cu-

What purchases
good.

1840.
123, 2.

For tutor or tu
trix.

1841.
30, 1

Prescription.

1840.
124, 3.

1841.
121, 4.

Foreign tutors,
how may recover
property of minors.

1843.
97, 1.

Minors' property
can be removed
from the State,
when.

1843.
97, 2.

1848
84, 1

1847
64, 1

rator or curatrix of said deceased's estate, or by a tutor or tutrix, when the said executor, executrix, administrator or administratrix, curator or curatrix shall have been the surviving partner in community, heir or legatee of the said deceased, shall be considered as valid and binding as though the same had been made by any person or persons legally capable of contracting: Provided, however, any person or persons who shall wish to avail themselves of any informality in said sale or sales, by reason of the incompetency or legal disability resulting from the incapacity, as aforesaid, of the person or persons having purchased so to purchase, shall be allowed to institute action to set aside said sale or sales, by reason of said incompetency or legal disability, as aforesaid, resulting from the incapacity of the person or persons purchasing so to purchase, within two years from 1840.

19. No exception shall be against the validity of titles to property, real or personal, so acquired, as aforesaid, on any of the grounds heretofore enumerated, unless it shall appear to the court before which said exception is pleaded, that a suit or suits have been instituted to set the same aside, within two years after the passage of this act.

20. The provisions of the above sections shall apply and have full force against minors, interdicted persons and married women, saving to them their recourse against their tutors, curators, or other legal representatives, should they be able to make it appear that they have suffered any loss or damage.

21. Any tutor may purchase property at the sale of the estates of deceased persons, in the same cases in which any executor, executrix, administrator or administratrix, and curator or curatrix may make similar purchases.

22. Any person who has been, or shall be appointed tutor or guardian of any minor residing out of the State of Louisiana, but within the United States, and who has qualified as tutor or guardian of said minor, in conformity with the laws of the State or country where said appointment is made, shall be entitled to sue for, and recover any property, rights or credits belonging to said minor within this State, upon his producing satisfactory evidence of his appointment as aforesaid, without being under the necessity of qualifying as tutor of said minor, according to the laws of Louisiana.

23. Nothing herein shall authorize any such tutor or guardian to take possession of, or remove from the State, the property of any minor or estate, unless satisfactory proof be furnished to the court that the debts of the succession are paid, or that none exist in the State, which proof shall consist in public advertisements in the newspapers, at least thirty days, in the manner prescribed by law for the rendering of accounts by tutors and administrators.

24. It shall not be necessary for minor heirs to make any formal acceptance of a succession that may fall to them, but such acceptance shall be considered as made for them with benefit of inventory, by operation of law, and shall in all respects have the full force and effect of a formal acceptance.

25. Whenever a minor above the age of eighteen years shall be desirous of being dispensed from the time prescribed by law

for attaining the age of majority, the said minor shall present a petition to the district judge having jurisdiction, wherein he shall set forth the causes for which he wishes to have the time for attaining majority dispensed with, and that he believes himself fully capable of administering and managing his estate.

26. It shall be the duty of said judge to grant an order directing the convocation of a family meeting before the recorder, or any notary public of the parish of the minor's residence on a day fixed in said order; a copy of the petition shall be served on the tutor of said minor, citing him to appear and show cause why said minor should not be emancipated.

1847
65. 2

27. It shall be the duty of the recorder or notary public before whom said meeting has been convened, to grant to said minor a certified copy of the process verbal of the proceedings, in order that said minor may obtain from the district judge an order, either in chambers or in open court, homologating the same.

1847
65. 3

28. When the tutor or curator of said minor shall have opposed the prayer of the petitioner before said parish judge, and introduced witnesses to show that said minor ought not to be dispensed from the time prescribed by law for attaining the age of majority, it shall be the duty of said district judge, at chambers, if out of term time, or in open court if his court be in session in the parish in which said minor has his residence, after hearing the parties, to render judgment thereon, which judgment shall be recorded by the clerk of said court, and the process verbal aforesaid preserved by him as in other cases.

District judge to
render judgment at
chambers or in
open court.
1829
27. 6

29. If the opinion of said district judge shall be in favor of said minor, he shall order, adjudge and decree, that the said minor shall be dispensed from the time prescribed by law for attaining the age of majority; and an authentic copy of said judgment shall be procured by said minor and produced before any notary public, and other civil officers before whom the said minor may pass any civil act, until he has really obtained the age of twenty-one years, in order that mention may be made by said notary, or other civil officer in said act, that said minor has been authorized to manage his own affairs, as if he had obtained the age of twenty-one years.

The minor to
produce an authen-
tic copy of the
judgment
1829
27. 7

30. If any minor availing himself of the provisions of this act, has a father or mother living, the consent of his father or mother, or both, shall be necessary to authorize the said judge to dispense with the time prescribed by law for attaining the age of majority in his favor; provided that the consent of the father or mother shall not be necessary, if the application be on the ground of ill-treatment, refusal to support, or corrupt examples, or if the father or mother reside without the limits of the State.

The consent of
the father and
mother if living,
necessary to autho-
rise the judge to
dispense with the
time prescribed by
law.

1829
28. 8

31. If any minor availing himself of the provisions of this act shall fail in obtaining a judgment in his favor, all expenses which he may have incurred in prosecuting his application before said district judge shall be paid by his tutor or curator and charged to said minor.

1829
28 9

MONITION.

1. The purchasers of property at Sheriffs' sales, those made

Purchasers in
sheriff's sales, how
protected.

1834
125, 1

by the authority of the court of probates, those made by the syndics of insolvent estates, and finally those of any kind and description which are made by the authority of justice, may protect themselves from eviction of the property so purchased or from any responsibility as possessors of the same by pursuing the rules hereinafter prescribed.

Duty of purchasers:

1834
125, 2

2. It shall be the duty of said purchasers, if the purchase has been made within the limits of the city and parish of New Orleans, to publish three times in two newspapers printed in the city in French and English; or if the sale has been made out of the limits of the city and parish aforesaid, then he shall publish the same for the space of time and in the same languages, in the newspaper which is printed nearest to the place where the sale takes place, unless otherwise directed by the special laws, a monition calling on all persons who can set up any right to the property in consequence of informality in the order, decree or judgment of the court under which the sale was made, or any irregularity or illegality in the appraisements and advertisements in time or manner of sale, or for any other defect whatsoever to show cause within thirty days from the day the monition is first inserted in the public papers, why the sale so made, should not be confirmed and homologated.

Must state in advertisement the description &c of property.

1834
125, 3

3. This monition shall state the judicial authority under which the sale took place, and shall also contain the same description of the property purchased as that given in the judicial conveyance to the buyer, and shall further declare the price at which the object was bought.

Monitions, how granted.

1834.
126 4

4. The clerks of the respective courts from which the orders, decrees or judgments may have issued, and in virtue of which the sales ought to be homologated, have been made, shall on application of the buyer grant this monition in the name of the State, and affix to it the seal of the court.

How homologated.

1834.
126, 5

5. On the expiration of the thirty days mentioned in the second section of this act, the party obtaining the monition may apply to the judge of the court, out of which said monition issued, to confirm and homologate the sale, and it shall be the duty of the judge in case no cause is shown against the prayer of the monition, to homologate and confirm the judicial sale in question; Provided always, that before he does so confirm it, he shall be fully satisfied that the advertisements have been inserted in the newspapers as already directed, and that the property has been correctly described, and the price at which it was purchased, truly stated; but in case opposition be made to the homologation, and it should appear the sale was made contrary to law, it shall then be the duty of the judge to annul it, otherwise to confirm it, as in case no opposition was made.

The judgment to be conclusive evidence.

1834.
126, 6

6. The judgment of the court on the monition aforesaid, shall be in itself conclusive evidence, that the monition had been regularly made and duly advertised, nor shall any evidence be received thereafter to contradict the same, or to prove any irregularity in the proceeding.

7. The judgment of the court confirming and homologating the sale, shall have the force of *res judicata*, and operate as a

complete bar against all persons, whether of age or minors, whether present or absent, who may thereafter claim the property sold in consequence of an illegality or informality in the proceeding, whether before or after judgment; and the said judgment of homologation shall in all cases be received and considered as full proof and conclusive, that the sale was duly made, in virtue of a judgment or order legally and regularly pronounced on the interests of parties duly represented.

Judgment of
Court; its effect
1834.
126, 7.

8. Nothing in this law shall be taken or understood so as to render valid any sale made in virtue of judgment, when the party cast was not duly cited to make defence; and in every case where minors are interested, they shall have their recourse on their tutors or curators, if said tutors or curators have improperly neglected to make opposition to the confirmation of the sale of their property.

Exceptions to the
effect of monition.
1824.
127, 8

9. When no opposition is made to the confirmation of the sales, the costs attending the proceedings shall be paid by the party who pays for the monition; and when opposition is made, the costs shall be borne by the party against whom judgment is rendered.

Costs how [paid.
1834.
127, 9.

10. Nothing contained in this law shall be construed or understood to authorize the purchaser at a judicial sale to refuse carrying the same into effect, or to delay the payment of the price for any greater space of time than is now allowed by law; and in case the said purchaser shall not deem it necessary to use the remedy conferred to assure his title, then the said sale shall have the same effect as is now given to it by the existing laws of the State.

Purchaser, the
effects of the law
upon him.
1834.
127, 10.

11. Not only the actual purchasers of property at sheriff's sales, those made by the authority of the court of probates, those made by the syndics of insolvent estates, and finally those of any kind and description which are made by the authority of justice, but all subsequent purchasers holding under such actual purchasers by a regular chain of titles, shall be allowed to avail themselves of the benefits conferred upon actual purchasers by the preceding sections.

Subsequent pur-
chasers may take
the benefit of this
law.
1837
62, 1

12. The law of monition shall be extended to tax sales, and any one interested may apply to the clerk of the district court of the parish wherein the property may be situated for a monition, in order to enable such person to have any tax sale of property perfected, which sale shall be homologated by the district court, in the same manner, and upon the same conditions that said court may homologate judicial sales (under the provisions of the said act). And the publications required shall be made in some newspaper in (or if none be,) in one nearest, the parish in which the property shall be situated, unless otherwise directed by special laws; Provided, that no tax sale shall be confirmed under these provisions, unless such sale shall have been made ten years previous to the application for a monition.

Monition exten-
ded to tax sales.
1838
98, 1

13. It shall not hereafter be necessary in the parishes of Concordia, Tensas, Madison and Carroll, as well as in the parishes of St. Helena, Washington and Sabine, to publish monitions in the

Monitions in cer-
tain parishes pub-
lished only in
English:
1845
10, 1

French language, and their publication in the English language, shall have the same effect as if published in both languages.

NOTARIES.

How to keep records.

1809.
72. 2
1821.
40. 2

Charges to be paid on sales before notary shall pass acts.

1838.
45. 3

Acts to be executed where.

1805.
74. 5

Duties of notaries as to sale and contracts by free persons of color.

1808.
138. 1

Notaries to enregister in conveyance office.

1838.
17. 1.

Certificate of Register.

1838.
17. 2.

1. Every notary public or other officer in the city and faubourgs of New Orleans having the custody of public records, shall keep his office in a brick building covered with tiles, slates or terrace, in defect whereof he shall be deprived of his office.

2. No notary or other person or persons shall, under penalty in favor of the State, of five hundred dollars for each and every offence, execute or pass a deed of sale of real or personal property, predicated upon an adjudication at public auction, until the charges attending such sales be first paid in cash; which payment shall be made to appear to the notary by filing with him the receipt of the auctioneer, or his certificate to that effect attached to the process verbal of the sale furnished to said notary, which receipt or certificate shall be annexed to such act of sale for reference, and moreover the State shall have a lien on the property sold, for the amount of the auction taxes, which lien may be enforced by executory process, on the certificate of adjudication.

3. All notarial acts shall be made and executed in the office of the notary or person duly authorized by law as aforesaid, unless when the illness of the party or some other sufficient cause, shall prevent him from attending in such office; and all the said acts shall be enregistered by the notary or person duly authorized, in regular order, according to the dates of such execution, and all other such acts not executed in the office of said notary or person duly authorized, shall be enregistered as soon as possible, after the execution of the same and no such act whatever shall have validity until the same shall have been so registered.

4. It shall be the duty of all notaries, or other public officers, not to pass any act wherein any free person of color may be concerned, without inserting after the name and sur-name of such free person of color these words: free man or free woman of color; that it shall be likewise, the duty of all printers and auctioneers, who give public notices, the object of which is to announce the sale of some property belonging to a free person of color, to comply with said formalities, under the penalty, for the delinquent, of paying a fine of one hundred dollars, one-half of which shall be to the benefit of the informer, and the other half to the use of the territory.

5. It shall be the duty of the notaries of the city of New Orleans, to cause to be enregistered at the office of the Register of Conveyances, all acts made and passed before them, and which by law ought to be enregistered in the said office, even when the parties shall agree to dispense with the enregistering, and this under the penalty of being liable for all damages which the parties may suffer through the neglect to enregister the said acts.

6. It shall be the duty of the said Register of Conveyances to affix to the act to be enregistered, a certificate that he has enregistered the same.

7. All notaries, or persons acting as such, are authorized, in

their protests of bills of exchange, promissory notes, or orders for the payment of money, to make mention of the demand made upon the drawer, acceptor or person on whom such order or bill of exchange is drawn or given, and of the manner and circumstances of such demand, and by certificate added to such protest, to state the manner in which any notices of protest to drawers, endorsers or other persons interested were served or forwarded; and whenever they shall have so done, a certified copy of such protest and certificate shall be evidence of all the matters therein stated.

Protests of notaries.
1827.
76, 1.

8. Whenever such drawer, acceptor, endorser or others, shall not reside in the town or city where protest shall be made, then, and in such case it shall be the duty of such notaries or others acting as such, to put into the nearest post-office, when such protest is made, a notice of such protest to such drawer, acceptor, endorser or others, addressed to them at their domicile or usual place of residence.

Protests and notices how served upon non residents
1827.
76, 2.

9. Whenever the residence of any such drawer, acceptor, endorser or others shall be unknown to the notaries or others acting as such; and whenever after using all due diligence to obtain the necessary information thereon, the said residence shall not have been found by said notaries or others acting as such, then and in such case it shall be the duty of such notary or others acting as such, to put the notices of such protest in the nearest post office where such protest was made, addressed to such drawer, acceptor, endorser or others at the place where, as it shall appear by the face thereof, such bill of exchange or promissory note was drawn; and the same shall be deemed and considered legal notice of such protest.

If residence is unknown.
1827.
78, 3

10. The notaries public in the city of New-Orleans are hereby empowered to protest bills of exchange, notes and other negotiable effects throughout the whole extent of the parish of Orleans, and in default of notaries public in the country, any justice of the peace may protest the same in the presence of two persons, residing in the parish who shall certify and subscribe the same as witnesses.

Notaries of city of New Orleans may protest through the parish.
1823.
38, 2

11. Notaries shall keep a separate book in which they shall transcribe and record by order of date, all the protests by them made, with mention of the notices which they shall have given of the same, to the drawers or endorsers thereof, together with the names of the said drawers and endorsers; which declaration duly recorded under the signature of the said notary public and two witnesses shall be considered and received in all courts of this State as a legal proof of the said notice.

Books of notaries how kept.
1821.
44, 1

12. It shall be lawful for each and every notary public in New-Orleans, to appoint one or more deputies to assist him in the making of protests, and delivery of notices of protest of bills of exchange and promissory notes; Provided each notary shall be personally responsible for the acts of each deputy employed by him; and provided that each deputy shall take an oath faithfully to perform his duties as such, before the district judge of the parish in which he may be appointed; and provided that the certificate of notice or of protest shall state by whom made or served.

Deputies, how appointed.
1844.
26, 1

Record of acts of
notaries.
1839
194, 1

13. All notaries public, except those of the parish of Orleans, shall deposit with the parish recorders of their respective parishes, authentic copies of all acts executed before them, within twenty days at farthest from the day of their execution, and earlier in all practicable cases, which shall forthwith be filed by such parish recorder, and duly recorded in the proper book of records.

Precedence of
acts recorded.
1839
194, 2

14. All acts passed before any notary out of the parish of Orleans and filed as required, within twenty days after their execution, shall take precedence of any other act passed in relation to the same property of a subsequent date, although first recorded.

Notaries when to
administer oaths.
1845
38, 1

15. It shall be lawful for the different notaries public of this State to administer such oaths as may be necessary to enable free white citizens of the United States to procure their protection certificates, from the regularly authorized officers of the customs of the United States.

Christian and
family names of
widows and mar-
ried women to be
inserted:
1827
140, 11

16. All notaries or other persons acting as such, whenever they shall pass an act wherein a married woman or a widow is a party, shall be bound to mention the christian and family names of such woman, adding that she is the wife or widow of (the husband's name.)

Also of all par-
ties to acts.
1827
140, 12

17. All notaries or other persons acting as such shall insert in their acts the christian names of the parties in full and not with their initial letters alone.

Fines in case of
violation.
1827
140, 13

18. All notaries or other persons acting as such, contravening the provisions of the two preceding sections, shall be liable to a fine of one hundred dollars to be recovered before any court of competent jurisdiction, one half for the benefit of the informer and the other half for the use of the State.

Recording of
marriage and other
contracts.
1824
166, 4

19. It shall be the duty of notaries public and other officers performing their duties to cause the marriage contracts and other acts which are executed before them, and from which any legal mortgage is derived in favor of a married woman on the property of her husband, to be recorded in the same manner as aforesaid.

Mortgage of wife,
when restrained.
1824
168, 8

20. When by a marriage contract, the parties being of age, it is agreed that the legal mortgage of the wife shall exist only on one or more immoveables belonging to the husband, the immoveables and other property not included therein, shall remain free and released from the legal mortgage of the wife, provided it be not lawful to stipulate that no mortgage whatever shall exist in favor of the wife for her dotal rights.

1830
48, 7

21. It is hereby made the duty of all public officers before whom family meetings shall be called, to give special mortgages by parent or grand-parents, to read the act of 1830 to them and to the under tutors, and any officer failing to perform this duty shall be responsible for any loss arising from such neglect either to the under tutor or to the minor or minors.

If sheriff, coroner
or notary, &c., re-
move from the par-
ish.
1835
55, 1

22. Whenever any sheriff, coroner, notary public, parish surveyor or justice of the peace shall permanently remove from the parish for which he may have been appointed, said office shall in consequence thereof be declared vacant and upon satisfactory information being given, either by the certificate of the judge or the representative of the parish, of such removal, the Governor shall

be, and he is hereby authorized, by and with the advice and consent of the Senate, to supply such vacancy; Provided, however, should the legislature not be in session, then the Governor shall be, and he is hereby authorized to fill said vacancy by commission, to expire at the end of the next session thereafter.

23. The Governor be, and he is hereby authorized to grant leave of absence to notaries public for a period not exceeding eight months to date from the date of the day of the permission granted by the Governor.

Leave of absence,
how obtained.
1838
94. 1

24. Notaries public thus permitted to absent themselves shall be and they are hereby required to name and designate another notary public to represent them during their absence.

Another notary
to be designated.
1838
94. 2

25. There shall be appointed for the parish of Lafourche Interior, one notary public, who shall hold his office at Thibodauxville, whose duty it shall be to keep a faithful record of all acts passed before him, which acts shall have force and effect against third persons, only from the time when the said acts shall be recorded in the office of the parish recorder of said parish.

Lafourche.
1832.
186. 1

26. There shall be appointed for the parish of Assumption, a notary, who shall reside between the canal (called the Attakapas canal,) and the inferior boundary of said parish.

Assumption.
1833.
103. 3

27. There shall be appointed by the Governor, by and with the advice and consent of the Senate, an additional notary public for the parish of Ascension.

Ascension.
1833.
103. 1

A notary public shall be created for that part of the parish of Ascension known as the New River District: the Governor is authorized to appoint the same.

1841.
56. 1

There shall be an additional notary public in and for the parish of Ascension, who shall hold his office in that part of the parish called New River.

1848.
92. 1

28. The Governor shall nominate, and, by and with the advice and consent of the Senate, shall appoint and commission one additional notary public for the parish of West Feliciana, whose duty it shall be to reside and keep his office at a place called Laurel Hill, in said parish.

West Feliciana.
1831.
10. 1

The said notary, in discharging the duties of said office, shall be governed by the laws now in force, or which hereafter may be enacted, relative to notaries public, subject to the same penalties, and authorized to receive the same fees and emoluments which by law notaries are authorized, or may hereafter be authorized to receive.

Duties.
1831.
10. 2

There shall be two additional notaries public appointed for the parish of West Feliciana, one to keep his office at or near New Milford, in said parish; and one to keep his office at or within five miles of Bayou Tunica, in said parish.

1840
15. 2

The powers, duties and emoluments of said notaries shall be the same as prescribed by law for other notaries of this State.

1840—15. 3.

29. There shall be appointed two additional notaries public in and for the parish of East Feliciana.

East Feliciana.
1831—68. 6

There shall be appointed by the Governor, by and with the advice and consent of the Senate, an additional notary public for the parish of East Feliciana, who shall keep his office at Port Hudson.

1833.
103. 1

1815.
165. 3

An additional notary public shall be appointed for the parish of East Feliciana, who shall keep his office at Port Hudson.

1812.
106. 1

There shall be appointed by the Governor, by and with the advice and consent of the Senate, one additional notary public for the parish of East Feliciana.

Pointe Coupee.
1836
53. 1

30. An office of notary is hereby created for and in the parish of Pointe Coupée, to be regulated by the same laws relating to other notaries; this office shall be kept at the place called Pointe Coupée.

1839
191. 4

There shall be appointed one additional notary public for the parish of Pointe Coupée, who shall hold his office at or near the place called "Raccourci."

1848
29. 1

The Governor is hereby authorized and empowered to appoint two additional notaries public in and for the parish of Pointe Coupée.

Washington.
1836
54. 4

31. There shall be appointed in and for the parish of Washington, two notaries public, one to reside in the eastern, and the other in the western part of said parish, who shall fulfil and perform all the duties required, and shall be entitled to demand and receive all the emoluments and fees now allowed by law to the notaries public throughout the State.

Livingston.
1833
57. 2

32. The Governor shall nominate and appoint, with the advice and consent of the Senate, a notary public for the parish of Livingston, whose duty it shall be to keep a faithful record of all acts passed before him; said notary shall hold his office within the limits of the third ward of the parish as now established by law.

St. Landry, St.
Tammany and St.
Helena.
1818
44. 1

33. A notary public shall be appointed for each of the parishes of St. Landry, St. Tammany and St. Helena, who shall fulfil in his parish all the duties imposed by law on such officers, and who shall be subject to the same fines and penalties and entitled to the same emoluments that now are or hereafter may be determined by law, concerning notaries public throughout the State.

Covington.
1818
166. 1

There shall be appointed a notary public for the town of Covington, who shall reside within the said town, and whose duties, profits and emoluments shall, until otherwise provided for by law, be the same as those of the notaries public for the city of New Orleans.

St. Helena.
1847
138. 1

34. The Governor is hereby authorized to appoint two additional notaries public in and for the parish of St. Helena.

1850
26.

The Governor be, and is hereby authorized to appoint a notary public in and for the parish of St. Helena.

East Baton Rouge.
1832
26. 1

35. The Governor shall nominate and appoint, with the advice and consent of the Senate, one additional notary public for the parish of East Baton Rouge.

1837
21. 4

An additional notary public shall be appointed for the parish of East Baton Rouge, for the north east part of the parish, called Oak Land.

1839
194. 4

There shall be appointed, by and with the advice and consent of the Senate, a notary public, and an auctioneer for the parish of East Baton Rouge.

36. There shall be appointed one additional notary public for the parish of Iberville.

Iberville.
1381
68. 6

There shall be appointed for the parish of Iberville an additional notary public, who shall keep his office on the east side near the church of said parish; Provided that it shall not be lawful for him to keep his office more than one mile distant from said church.

1833
103. 2

There shall be appointed a notary public for the parish of Iberville, and a notary public for the parish of West Baton Rouge, who shall reside between the court house of West Baton Rouge and the cut-off leading to Plaquemine.

1839.
196. 5

A notary public shall be appointed for the parish of Iberville, whose duty it shall be to reside in that part of the above named parish comprised between the church of Saint Gabriel and the lower line of said parish; the said notary shall be entitled to the same emoluments and subject to the same responsibilities that all the other notaries in the several parishes of this State are entitled and subject to.

1842.
296. 1

37. There shall be appointed for the parish of St Landry two additional notaries public, one of whom shall hold his office on that part of the parish of St. Landry called Grand Prairie, and westward of Grand Louis Bayou; Provided, that should the person to be appointed by virtue of this section not immediately remove his office to, or should he remove it from, or at any time cease to keep it in that part of said parish called Grand Prairie, and westward of Grand Louis Bayou as aforesaid, his functions and powers shall thereupon cease and become void.

St Landry.
1822.
44. 1

It shall be the duty of said notaries to keep a faithful record of all the acts passed before them, which acts, except such as contain mortgages and must be recorded as such, shall have force and effect against third persons, from the time of recording the same in the office of the said notary; Provided, however, that it shall be the duty of said notaries on the first Monday of every month, to deposit in the office of the parish recorder, an extract sufficiently explanatory of the several acts passed before them, and it shall be the duty of the said recorder to receive and record the same.

Duties of said notaries.
1822.
46. 2

There shall be appointed in and for the parish of St Landry two additional notaries public, one of whom shall be commissioned under the title of notary public in and for the parish of St Landry, whose office shall be kept in the town of Opelousas, the other shall be commissioned under the title of notary public for the Calcasieu district, in the parish of St Landry, whose office shall be kept within that part of said parish lying west of the river Mermentau and bayou Nez-Piqué, and South of Beaver Creek, and it shall be the duty of the said last mentioned notary, to open and constantly keep his office within the limits herein prescribed, and should he at any time remove from, or cease to keep the same, within the said limits, then, and in that case, the functions and powers of said notary shall cease and become null and void, and the said office shall be considered vacant.

1830.
30. 1

The notaries public to be appointed as above shall keep seals of office, and shall perform the same functions and duties, and

Duties of said notaries.
1830.
30. 3

shall be liable to the same penalties and damages, and their powers and emoluments shall be the same as those of other notaries public in this State.

Parish of St Landry.

1839.
60, 1

Two additional notaries public shall be created in the parish of St. Landry, one for Grand Coteau in said parish and another for the ward of Bayou Chicot in the same parish, whose duties, emoluments and responsibilities shall be the same as those of similar officers in other parishes of the State; and the Governor is hereby authorized to appoint said two officers, agreeably to the provisions of an act entitled, "an act authorizing the Governor to make certain appointments."

St Landry; town of Washington.

1840.
14, 1

There shall be appointed a notary public, for the town of Washington in the parish of St. Landry, whose duties, emoluments and responsibilities shall be the same as those of the other notaries in the other parishes of the State.

St Landry.

1848.
26, 1

The Governor be and he is hereby authorized and requested, to nominate, and by and with the advice and consent of the Senate, appoint an additional notary public for the parish of St. Landry, who shall keep his office in that portion of the parish called Bayou Bœuf and Cane Ridge.

St, Martin.

1843.
20, 1

38. One notary public shall be appointed for the parish of St. Martin, whose duty it shall be to reside in the town of St. Martin, and said notary public shall be entitled to the same emoluments and subject to the same responsibilities as all the other notaries in the several parishes of the State.

Duties of notaries of St. Martin.

1844.
21, 1

It shall be the duty of the notaries public in and for the parish of St. Martin, under the penalty of removal from office, to deposit, within ten days from the date of the acts executed before them, at the office of the recorder of said parish, a duly authentic copy of each of said acts, of which copies said recorder shall be authorized to deliver copies which shall bear the same value as if they had been drawn from the originals themselves.

1848.
147, 2

The Governor is hereby authorized to appoint an additional notary public for the parish of St. Martin.

Notary for Lafayette.

1833.
59, 1

39. There shall be appointed for the parish of Lafayette a notary public who shall reside and hold his office on bayou Vermilion, in that section called Perrys' bridge; whose duty it shall be to execute and receive acts and contracts, which the contracting parties interested may desire to authenticate.

Natchitoches.

1842.
46, 1

40. There shall be appointed an additional notary public for the parish of Natchitoches, who shall keep his office at Cloutierville, or south-east of said place, and shall be governed by the same restrictions and privileges with respect to his parish, as this act provides for the notary to be appointed for that part of the parish of St. Landry, who shall keep his office in Grande Prairie.

1833.
103, 1

Two additional notaries public for the parish of Natchitoches, one to keep his office at Isle Brevelle, and the other at Campté.

Bayou Pierre.

1836.
157, 1

For the parish of Natchitoches, a notary public and auctioneer, who shall reside and keep his office in the district of bayou Pierre, and a notary public near Loggy Bayou, on Red River, and another at Campté.

1837.
77, 1

For the parish of Natchitoches, a notary public, who shall reside and keep his office at Shreveport.

The Governor be, and he is hereby authorized and requested to nominate, and by and with the advice and consent of the Senate, appoint an additional notary public for the parish of Natchitoches, who shall keep his office in the town of Natchitoches.

Natchitoches.
1847.
153. 1

The Governor be, and is hereby authorized to appoint an additional notary public for the parish of Natchitoches, who shall reside and keep his office on the eastern side of that portion of Red River called Rigolet.

1848.
147. 2

The Governor be, and he is hereby authorized to appoint three additional Notaries Public in and for the parish of Natchitoches one of whom shall hold his office in the Coushatta ward.

Additional notaries for the parish of Natchitoches.
1850.
6.

41. There shall be appointed for the parish of Avoyelles, a notary public who shall reside and hold his office in bayou Boeuf in said parish, whose duty it shall be to receive any acts or contracts to which the parties wish to give the character of authenticity.

Avoyelles.
1827.
74. 1

There shall be appointed by the Governor by and with the advice and consent of the Senate an additional notary public for the parish of Avoyelles to keep his office at little Bayou Rouge.

1833.
103. 1

The Governor is authorized and required to appoint two additional notaries public for the parish of Avoyelles; one of them shall reside and keep his office on the Bayou Rouge, and the other on the lower part of the Bayou des Glaizes.

1836.
54. 2

There shall be appointed, by and with the advice and consent of the Senate two additional notaries for the parish of Avoyelles, one of which notaries shall reside and hold his office in that part of the parish called Bayou des Glaizes, in a central part thereof, and the other at the seat of justice in said parish.

1839.
194. 3

From and after the passing of this act, there shall be appointed an additional notary public, in and for the parish of Avoyelles.

1850.
30.

The want of proper qualifications to hold the commission of a notary public by F. Ricord, shall not be deemed sufficient to annul or render void any of the acts done or passed by said Ricord while acting as notary public.

F. Ricord's acts.
1841.
42, 1

42. There shall be appointed for the parish of Rapides, one notary, who shall hold his office, at Chesneyville on Bayou Boeuf, whose duty it shall be to keep a faithful record of all acts passed before him, which acts shall have force, and effect against third persons from the time of recording the same, in the office of said notary; Provided, however, it shall be the duty of the parish recorder to receive and record the same.

Rapides.
1821
40, 1

Three additional notaries public shall be appointed for the parish of Rapides, one of whom shall reside in the town of Alexandria, one on the Calcasieu river and one on the bayou Jean de Jean or the bayou Cotile.

1835
164, 1

Two notaries public and one auctioneer for the parish of Rapides, one of which notaries and the auctioneer shall reside and hold his office at Chesneyville.

1839
194, 4

There shall be appointed for the parish of Rapides a notary public who shall reside and hold his office in the town of Alexandria.

Rapides.
1826
124. 1

An additional notary public shall be appointed for the parish of Rapides, by and with the advice and consent of the Senate,

1843
20, 2

whose duty it shall be to reside in that part of the parish comprised between the branch of the river Calcasieu known by the name of the Darbonne and the boundaries of the parishes of St. Landry and Natchitoches including the settlements of Annacoco and said notary shall be entitled to the same emoluments and subject to the same responsibilities as all the other notaries in the several parishes of the State.

The Governor is hereby authorized to nominate and appoint by and with the advice and consent of the Senate, two additional notaries public in and for the parish of Rapides.

1848
15, 1
Town of Bellevue.
1848
147, 1

43. The Governor of this State is authorized to appoint and commission a notary public for the town of Bellevue, in the parish of Bossier, and two additional notaries for the parish of Claiborne.

Claiborne.
1842
76, 1

44. There shall be an additional notary public appointed for the parish of Claiborne, who shall keep his office within the bounds of the police jury ward number "one" and whose duties and responsibilities shall be the same as those which govern notaries in the State generally.

The Governor is hereby authorized and empowered to appoint two additional notaries public in and for the parish of Claiborne.

1848
24, 1
Madison.
1839
194, 4

45. There shall be appointed three notaries public for the parish of Madison.

An additional notary public shall be appointed for the parish of Madison; said notary shall be entitled to the same fees and subject to the same responsibilities as other notaries public throughout the State under existing laws.

1848
92, 1

Concordia.
1830
30, 2

46. There shall also be appointed a notary public in and for the parish of Concordia; who shall reside within the limits embraced between Shipps Bayou and the upper line of said parish, and said notary shall be commissioned as a notary public for the northern district of the parish of Concordia.

A notary public shall be appointed for the parish of Concordia, with the advice and consent of the Senate, who shall reside at the town of Vidalia, in said parish; whose duties, emoluments and responsibilities shall be the same as those of notaries in other parishes of the State.

1835
166, 1

Concordia.
1836
54, 3

A notary public shall be appointed for the parish of Concordia, whose residence shall be within ten miles of the junction of the bayous Brushy and Walnut; whose duties and emoluments shall be the same as those of other notaries in said parish.

Calcasieu and
Concordia.
1830
32, 4

47. It shall be the duty of the notary for the Calcasieu district, and for the northern district in the parish of Concordia, to keep a faithful record in a well-bound book of all acts passed before them, which acts (except such as contain mortgages or relate to immoveable property, certified copies of which must be recorded agreeably to law,) shall have full force and effect against third persons from the date of their respective records.

Calcasieu.
1850.
56

The Governor is hereby authorized and empowered to appoint an additional notary public in and for the parish of Calcasieu.

Catahoula.
1837
21, 1

48. There shall be appointed for the parish of Catahoula three notaries public, one of whom shall reside on Sicily Island, in said parish, one in the Bœuf Prairie, and one in the new Kentucky

settlement, whose duties, emoluments and responsibilities shall be the same as those of other notaries in other parishes of the State, and the Governor is hereby authorized and required to make said appointments according to the provisions of an act to authorize the Governor to make certain appointments.

The Governor of the State is authorized to appoint a notary public in and for the parish of Catahoula, who shall hold his office in the town of Trinity in said parish.

The Governor be and he is hereby authorized to nominate and appoint, by and with the advice and consent of the Senate, two additional notaries public, in and for the parish of Catahoula.

49. There shall be appointed for the parish of Carroll, one notary public, who shall hold his office in that part of the parish called Milliken's Bend, whose duty it shall be to keep a faithful record of all acts passed before him.

There shall be appointed for the parish of Carroll a notary public, who shall reside either on Lake Providence or at or near the town of Providence in said parish.

There shall be appointed one additional notary public for the parish of Carroll, to hold his office in the town of Providence.

50. The Executive of this State be, and is hereby authorized to appoint an additional notary public for the parish of Caddo.

51. It shall be the duty of the Governor to appoint for the parish of Union three notaries public who shall hold their offices in the following boundaries of said parish, to wit: one on the south side of the bayou Darbonne, one between the bayou Darbonne and the bayou Louter, and the other between the bayou Louter and the State line.

52. The Governor shall nominate, and by and with the advice and consent of the Senate, appoint and commission a notary public for the parish of Ouachita, who shall reside and keep his office in the town of Monroe, who shall perform the same duties imposed on notaries by the laws now in force, or which may hereafter be enacted, receive the same emoluments and be subject to the same responsibilities, as provided by laws now in force relative to notaries.

53. The Governor be, and he is hereby authorized to appoint two notaries public in and for the parish of Jackson.

54. The Governor be, and he is hereby authorized and required to appoint an additional notary public in and for the parish of Sabine, who is to hold his office in the town of Manny, in said parish of Sabine.

55. There shall be appointed for the parish of Jefferson a notary public, who shall be bound to keep his office at the Cheniere Caminada.

An additional notary public shall be appointed for the parish of Jefferson, who shall hold his office and reside within the limits of the city of Lafayette in said parish.

56. It is hereby made the duty of any notary public in the parish of Jefferson, or in the parish of Orleans, before whom an act of sale shall be passed, of property situated within the limits of the said city of Lafayette, to cause said act within three days after its passage, to be recorded in the office of the register of

32, 1
1848.

1851
25

Carroll,
1833.
56, 1

1835.
166 1

1839
194, 4

Caddo.
1850.
26.

Union,
1842.
74, 1

Ouachita.
1831.
102, 1

Jackson.
1850.
248.

Parish of Sabine
1848.
40, 1

Jefferson.
1834.
20, 14

1843.
29, 1

Duties of notaries
of Jefferson and
New Orleans.
1846
30, 24

conveyances for the said parish of Jefferson, or in case no such office shall be in existence, then in the office in said parish wherein transfers of property shall be required by law to be registered or recorded; and it is further made the duty of all such notaries, before passing such act, to cause to be produced by the vendor, and to annex to such act a certificate from the treasurer of the city of Lafayette that there are no taxes or other demands whatever, due on said property to said corporation, and any notary who shall not comply herewith, shall be personally bound to said corporation for the amount of whatever demands it may have on such property, and shall be liable for whatever damages any party may suffer by reason of the delay or neglect of such notary to record said act as required by law.

Sheriffs and notaries of said parishes.

1848
79. 1

57. Neither the sheriffs nor the public notaries of the parishes of Orleans and Jefferson shall pass or execute any act for the sale, transfer or exchange of any real estate situated within said parishes, unless the state, parish and municipal taxes due on the same be first paid, to be shown by the tax collector's receipts, or a certificate to that purpose.

Penalty:

1848
79. 2

58. Said sheriffs or notaries public violating the above provisions shall, upon conviction thereof, be fined in a sum not less than fifty, nor more than two hundred dollars, for each violation, to be recovered by the district attorney for the use of the free schools of the parishes of Orleans and Jefferson, before any competent tribunal.

Certificate of mortgage may be dispensed with.

1845
54. 4

59. The parties to a notarial act may, by written clause in the act, dispense with the certificate of mortgages required by article three thousand three hundred and twenty-eight of the Civil Code of Louisiana, and the notary or parish recorder shall not in such case, be entitled to charge for such certificate so dispensed with as aforesaid.

Conveyances executed by notaries to be enregistered under the penalty of five hundred dollars.

1850
190. 1 to 6

60. For the future it shall be the duty of the several notaries public in the city of New Orleans, to cause every deed of sale, donation, or of any other sort of conveyance of real estate or slaves, passed before them respectively, to be enregistered at the office of the register of conveyances for New Orleans, within forty-eight hours after the passage of said acts, and this under the penalty of five hundred dollars fine, to be recovered before any court of competent jurisdiction, for the use and profit of the charity hospital, and also under the penalty of being liable for all damages which the parties may suffer through the neglect of said notary to enregister the said acts.

What certificate is to be obtained previous to the execution of conveyances.

61. It shall also be the duty of the notaries public of the city of New Orleans, before passing an act of sale, donation, or of any other sort of conveyance of real estate or slaves, or also an act of mortgage, to demand and obtain a certificate of the register of conveyances for New Orleans, ascertaining whether it appears on his records that the real estate or slave actually belongs to the person who intends to sell, donate or otherwise transfer, convey or mortgage the same, and ascertaining also the date of the last conveyance of said real estate or slave.

Duty of the sheriff.

62. For the future it shall be also the duty of the sheriff of the parish of Orleans, before passing the sale of any real estate or

slave sold under execution, to demand and obtain the certificate of the register of conveyances as it is provided for in the foregoing sections.

63. It shall be the duty of the said register of conveyances for New Orleans to refuse to enregister all notarial acts, passed after the promulgation of this act, which shall not mention the above named certificate. Duty of the register of conveyances.

64. The register of conveyances for New Orleans shall be entitled to demand and receive hereafter, for said certificates, the same fees of office which the recorder of mortgages for the parish of Orleans is entitled to demand and receive for certificates of mortgages. Fees of the register.

65. The several notaries public of the city of New Orleans, for the future, shall be bound in all cases, to require the certificate of mortgages mentioned in article Three thousand three hundred and twenty eight of the civil code of Louisiana, and shall in no case dispense the parties to the act with the production of said certificate. Article 3328 of the civil code.

OATHS.

1. At the first session of the general assembly after every general election of representatives, the required oath or affirmation shall be administered by any one member of the house of representatives to the speaker, and by him to all the members present and to the clerk, previous to entering on any other business, and to the members who shall afterwards appear previous to taking their seats. The same oath or affirmation shall be administered to every future president of the Senate, by any member of the Senate, and by the said president to the secretary and to every Senator, who shall hereafter be elected, previous to his taking his seat. Oaths, how administered in Legislature. 1815. 80, 2

2. The Governor and judges and all other civil and military officers hereafter to be appointed, under the authority of this State, shall before they act in their respective offices, take and subscribe the required oath or affirmation, which shall be administered by any judge or justice of the peace of the State, the said oaths or affirmations thus subscribed, shall be deposited, that is to say: those of the officers whose jurisdiction extends throughout the State, to the office of the Secretary of State, to be by him recorded in a book to be kept for that purpose, and those of all other officers in the clerk's office of the parish where the same may have been administered, to be by the said clerk recorded in a book kept for that purpose, and the said oath or affirmation shall be thus deposited within one month after the same shall have been administered. By Governor, Judges and other military officers. 1815. 82, 3

3. The chairman of any committee of the Senate or House of Representatives, or of any joint committee composed of members from both branches of the Legislature, or the person acting as chairman of any such committee, be and hereby is authorized to administer the oath to any witnesses who may be called before them to testify in relation to any subject under their consideration, to them referred by their respective houses. Chairman of committees, authorized to administer oath. 1833. 22, 1

LAND OFFICE

Office established. 1844
61. 1

1. An office for the sale of the unlocated public lands of the State of Louisiana, donated to the State by Congress for internal improvements, is created, which office shall be administered by a register, and by the treasurer of the State as receiver of the public monies for which the lands are sold, which office shall be located at the seat of government for the State of Louisiana.

Register, how appointed—salary. 1844
62. 2

2. The register of the land office shall be appointed by the Governor of the State of Louisiana, by and with the advice and consent of the Senate, and shall hold his office for the term of two years, unless removed in due course of law, and unless all said lands shall be sold before that time, when it shall be in the power of the Governor to discontinue the office, and his salary shall be the sum of two hundred and fifty dollars, and the register, and the treasurer, whose salary shall be the same as the register's, shall, in addition thereto, receive the same fees from the purchasers, and the same perquisites of office as are now allowed to the register and receiver of public monies of the United States government in the State of Louisiana.

Oath of Register. 1844
62. 3

3. The register shall take an oath before one competent to administer oaths, to support the constitution and laws of the United States and the State of Louisiana, and to perform the duties of his office faithfully, and shall give good and sufficient security to the satisfaction of the Governor of the State of Louisiana, in the sum of five thousand dollars, for the faithful discharge of the duties of his office.

Lands, to be offered for sale. of

4. After the register is appointed and sworn, the Governor shall offer for sale, by proclamation of sixty days, all the lands belonging to the State of Louisiana, known as lands donated by Congress, either for internal improvements or for seminaries of learning, said proclamation to be published in the State Gazette, in English and French, and in one paper published in each senatorial district, and a sufficient number of handbills to be distributed in every parish of the State; and these lands shall be sold by the register and the treasurer as receiver of public monies, in the same manner and under the same rules and proceedings as the lands belonging to the United States are sold; Provided the purchasers may pay for the same in the warrants or debts now due by the State; and, provided, the said lands shall not be sold for a less sum than three dollars per acre; that there be, and is hereby appropriated the sum of not exceeding \$1500, to be paid by the State Treasurer, on the warrant of the Governor, to pay the expenses for publication, and the obtaining of necessary documents for the land office.

Sales limited in price. Purchasers, how may pay. 1844
62. 4

Register to keep accounts. 1844—62, 5

5. It shall be the duty of the register and the treasurer, as receiver, to keep account of the sales of the lands belonging to internal improvements.

May be paid in warrants, etc. 1844—62, 6.

6. It shall be lawful for all said lands to be paid for by the purchasers, in warrants or debts proper, now due, or which may be due, at the time of the sale for internal improvements by the State, or in specie, which money so paid in, shall be used by the treasurer to pay the debts due by the State for internal improvements.

7. It shall be the duty of the register and the treasurer, as receiver of public monies, when the lands have not been located, to issue warrants for the lands donated by Congress, and not as yet located; Provided they shall not be issued for less than eighty, nor more than six hundred and forty acres, which warrants shall be sold in the same manner as the lands located; Provided they shall not be sold for less than three dollars per acre: and it shall be the duty of the Governor to issue patents for all the lands sold that have been sold, and for the lands located by warrants, when contemplated to be sold by that act, whenever he shall be satisfied that the same have been properly located.

Duties of register
and receiver.
1844—62, 7

8. There shall be established a branch of the State Land-office at Winsborough, in the parish of Franklin, for the sale of the located lands belonging to the State, donated to the State by Congress, in the district of country north of Red River, and comprised in the parishes of Catahoula, Franklin, Caldwell, Ouachita, Jackson, Union, Morehouse, Tensas, Madison and Carroll.

Branch estab-
lished.
1847—205, 1

9. The Governor shall appoint, by and with the advice and consent of the Senate, a register and receiver for said branch of the State land-office, who shall take the oath, and give bond in the sum of two thousand five hundred dollars each, with good and sufficient security as required by law for the register of the State land-office at New Orleans, to hold their offices for the term of two years; and it shall be the duty of the register of said branch to perform all the duties, and be subject to the same rules, limitations, penalties and responsibilities that now are, or may hereafter be prescribed for the register of the State land-office at New Orleans, so far as relates to sales of lands within the district described in the eighth section, and to make quarterly returns to the auditor of public accounts of all lands that may have been sold at said branch, describing the same, and the amount of sales.

Register and re-
ceiver for said
branch.
1847—205, 2

10. The receiver of said branch, shall perform all the duties, and be subject to the same rules, limitations, penalties, and responsibilities prescribed by law for the State Treasurer in relation to the entry and sale of land belonging to the State and settle his account with the Auditor of public accounts, and pay over to the State Treasurer all monies that may come into his hands, semi-annually, and on failure thereof shall be dismissed from office.

1847.
206, 3

11. The register and receiver of said branch of the State land office shall receive a salary of one hundred and fifty dollars each, payable semi-annually by the State Treasurer on the warrants of the Auditor of public accounts, and in addition thereto shall receive the same fees from purchasers, and the same perquisites of office, that are allowed to the register and receiver of the State land office at New Orleans.

Salary, of Re-
gister and Receiver.
1847.
206, 4

12. As soon as the said register and receiver have been appointed and shall have taken the oath and given the bond and security required, the register at New Orleans shall deliver over to the register of the branch of the land office established by this act, all the maps appertaining to the State lands, within the dis-

To receive all
maps, &c.
1847.
206, 5

tract hereby established and a statement of all lands sold by the State therein or located within the same under warrants, sold by the State.

Re-payment
when allowed.
1848.
146. 1

13. Every person, or the legal representative of every person who is or may be the purchaser of a tract of land from the State of Louisiana, which said tract of land has actually and immediately been located by the State, the purchase whereof is or may be void by reason of a prior sale thereof, or by any valid right of pre-emption, or for want of title thereto, in the State of Louisiana, shall be entitled to a re-payment of any sum or sums of money paid for such tract of land, on making proof to the satisfaction of the register of the land office that the same was erroneously sold, in manner aforesaid, by the State of Louisiana; and the said register is hereby authorized to draw a warrant on the Auditor of public accounts for the re-payment of such sums of money paid as aforesaid, upon entries in said land office on lands erroneously sold as aforesaid.

Transfer to be
deposited.
1848.
146, 2

14. Before the amount applied for shall be refunded, the party applying must deposit a duly executed transfer of the tract purchased to the State of Louisiana, together with the warrant under which the selection or location was made.

Where there are
no reservations,
duty of Register.
Ext. Session.
57. 1 and 2
1848.

15. The Register of the State land office, is hereby required to ascertain in what townships in this State there are no reservations of school sections, by reason of conflicting claims, or from any other cause, or where the reservation is less than contemplated by law, and in such cases it is made his duty under the superintendence of the Governor to apply for and as soon as possible obtain a location of any land or part of land, in lieu thereof.

When scrip to be
issued.

16. When such location cannot be made, or if deemed more advantageous to the State, the Register and receiver, with the assent of the Federal Government, are authorized to issue scrip for such lands; which scrip shall not be sold for a less amount than one dollar and twenty-five cents per acre.

OFFICES AND OFFICERS.

1848.
85, 1

1. All bonds hereafter given by the tax collectors of the State, and by persons charged with the collection of parish taxes, and by all public officers, whether State or parish officers, (except the treasurer of the State and auditor of public accounts,) who, by existing laws, or those hereafter to be enacted, may be required to give bond, shall be executed before the recorder, and three members of the police jury to be appointed by the president of the police jury of the parish in which said tax collector shall be employed, or said public officers exercise their functions, within thirty days from the date of their commissions, or on or before the first of January of each year, and before entering upon their duties, and shall be authenticated by the attestation of two witnesses and the signature of the recorder, and also by him duly registered in a separate book to be kept for that purpose, which bonds so registered shall operate from and after the date of registry, as a mortgage upon all the real estate and slaves of the principal obligor therein, for the full amount for which he may have obligated himself; said mortgage to be certified in all cer-

tificates of mortgage which said recorder shall give touching the property of the principal obligor; but the party may always substitute for this general mortgage a special mortgage on unincumbered real estate situated in the parish, and worth double the amount for which they may bind themselves; Provided that the recorder of the parish of Jefferson shall cause such bond to be recorded in the office of the recorder of mortgages in and for said parish.

2. For the acceptance of the sureties offered upon such bond, the assent of the recorder and members of the police jury shall be unanimous; and in case said recorder and members of the police jury shall refuse to accept any surety who may be deemed by the party offering him to be a good and sufficient surety, according to the provisions of this act, the district judge shall have the power, in vacation as well as in term time, within seven days after the rejection of the surety by the recorder and members of the police jury, adding one day for every twenty miles from his residence to the seat of justice of the parish, to compel them, by a peremptory mandamus, to accept such surety; and in all cases the recorder and members of the police jury shall, on demand of the party complaining of their refusal to accept the surety, certify to the judge their decision, and the evidence upon which their decision was based for such refusal; and their certificate to this effect they shall deliver to said party, and transmit themselves a duplicate thereof to the judge; and the said party complaining shall present said certificate, together with the proofs he may have to submit on his part to the judge, whose duty it shall be to decide immediately thereon, and from his decision and order in the premises there shall be no appeal.

1842.
86, 2

3. All bonds taken by the recorder and members of the police jury, shall remain on file in the recorder's office, and a copy duly certified shall always be admissible in evidence; and it shall be the duty of the recorder to transmit to the Auditor of public accounts, certified copies of all bonds taken by them from all collectors of State taxes, and sheriffs and coroners, within three months after their execution, under penalty of five hundred dollars, to be recovered on motion of the district attorney, for the use of the State, and said recorder and members of police juries shall also take all bonds which were formerly required to be taken by the parish judges, and for which no special provision has been made by law, and the said recorder shall be entitled to charge for each bond taken as aforesaid, one dollar and for each certified copy thereof the same amount and no more.

1848.
86, 3

4. The sureties on all bonds given by sheriffs and collectors of State and parish taxes, and also the sureties on all bonds given by parish and State officers (except the State treasurer and Auditor of public accounts) be, and they are authorized to stipulate the amount for which they will severally become liable, which shall be expressed in the bond.

Privilege granted
to the sureties of
all bonds.
1848.
87, 4

5. The duties imposed by this act upon the recorders and three members of the police juries of the several parishes, shall, in the city of New Orleans, be performed by the recorder and finance committee of each municipality, for the tax collectors of their re-

Bonds in the par-
ishes of Orleans and
Jefferson, by whom
taken.
1847.
87, 5

spective municipalities ; and for all other officers of whom bond is required, by the recorder of mortgages for the parish of Orleans, and three members of the General Council, and for that part of the parish of Orleans lying on the right bank of the Mississippi, by the justice of the peace for that district, and three members of the police jury, and in the parish of Jefferson by the recorder and three aldermen of the council of the city of Lafayette.

Legal sales upon
execution or bonds.
1847.
109 4

6. Whenever the treasurer of the State or auditor of public accounts shall issue an execution against any collector of taxes, sheriff or coroner, and their sureties, pursuant to the existing laws, it shall be lawful for the coroner or other officer to whom said execution may be directed, to seize and sell, according to law, any lands or slaves which may have belonged to the principal obligor at the date of the registry of the bond, without regard to any subsequent transfer or change of title, and in whatever hands the same may be found ; Provided, however, that no sale shall be made of the property of the sureties, until that of the principal shall have been discussed.

1847.
109, 5

7. Whenever any person charged with the collection of any parish taxes, shall fail to pay over the taxes collected by him within thirty days after he shall be required to do so by the police jury or other parochial authority, by a written demand which they shall have caused to be served upon him, by any constable of the parish, the said police jury, or other parochial authority, shall have the right, on filing, in the office of the clerk of the district court, a certified copy of his bond, and the return of said constable showing the demand made on him, to obtain from said clerk an execution against said collector, for the amount which he may have so collected and failed to pay over, which execution shall have the same force and effect as is provided for in the preceding section, and any property sold under it, shall be sold for cash without the benefit of appraisement.

1844.
13 1

8. The securities on the bond to be furnished by the sheriff of the parish of Orleans, shall be for the same amount as determined by the 4th section of an act to create two additional sheriffs for the parish of Orleans, approved February 10th, 1841.

1813.
25th march.

9. The sheriff shall before entering upon the duties of his office furnish and execute a bond with one or more securities in the sum of fifty thousand dollars. Said bond to be similar in form and conditions to those heretofore required of the sheriffs of each parish ; being as follows : "The condition of the above obligation is such, that whereas the above bounden A. B. hath been appointed sheriff of the parish of . . . now, if the said A. B, shall well and faithfully execute and make true returns according to law, of all such writs, orders and process, as shall come into his hands as sheriff aforesaid, to the person entitled by law to the same and shall faithfully do and perform all other duties as may be required of him by law, then the above obligation to be void, otherwise to remain in full force and virtue."

Which bond as in all cases of sheriffs' bonds shall be put in suit against the said sheriff and his securities to wit : when in behalf of the State, in the name of the Governor for the time being and for the use of the State, by the Attorney General or District

Attorneys each in their respective districts; and in all other cases in the name, for the use and at the request of the person injured; and said bond shall not become void by the first or any other recovery, but may be put in suit and recoveries be had thereon as often as any breach of the condition shall happen; Provided however, that the securities shall not be liable for more than the penalty of the bond.

10. The sheriff of the parish of Plaquemine shall furnish bonds in the penal sum of two thousand dollars; the sheriff of the parish of St. Bernard, in the penal sum of one thousand dollars; the sheriff of the parish of St. Charles, in the penal sum of six thousand dollars; the sheriff of the parish of St. John the Baptist, in the penal sum of six thousand dollars; the sheriff of the parish of St. James, in the penal sum of six thousand dollars; the sheriff of the parish of Ascension, in the penal sum of six thousand dollars; the sheriff of the parish of Assumption, in the penal sum of five thousand dollars; the sheriff of the parish of Lafourche Interior, in the penal sum of four thousand dollars; the sheriff of the parish of Feliciana, in the penal sum of ten thousand dollars; the sheriff of the parish of East Baton Rouge, in the penal sum of six thousand dollars; the sheriff of the parish of St. Helena, in the penal sum of five thousand dollars; the sheriff of the parish of St. Tammany, in the penal sum of three thousand dollars; the sheriff of the parish of Iberville, in the penal sum of six thousand dollars; the sheriff of the parish of West Baton Rouge, in the penal sum of five thousand dollars; the sheriff of the parish of Pointe Coupée, in the penal sum of ten thousand dollars; the sheriff of the parish of St. Mary, in the penal sum of six thousand dollars; the sheriff of the parish of St. Martin, in the penal sum of seven thousand five hundred dollars; the sheriff of the parish of St. Landry, in the penal sum of six thousand dollars; the sheriff of the parish of Avoyelles, in the penal sum of three thousand dollars; the sheriff of the parish of Rapides, in the penal sum of five thousand dollars; the sheriff of the parish of Catahoula, in the penal sum of four thousand dollars; the sheriff of the parish of Natchitoches, in the penal sum of five thousand dollars; the sheriff of the parish of Concordia, in the penal sum of five thousand dollars; the sheriff of the parish of Warren, in the penal sum of two thousand dollars; and the sheriff of the parish of Ouachita, in the penal sum of four thousand dollars.

11. It shall be lawful for all sheriffs who shall hereafter be appointed, to furnish, as securities, any person or persons, freeholders, within the judicial district for which they are appointed: Provided however, that no security residing out of the parish shall be received, unless the persons offering as securities produce a certificate proving that they possess real estate in the parish where they are domiciliated to an amount double the sum for which they are securities, and also a certificate of the judge of the parish where they reside, that the said property owned by them is not affected by any mortgage in said parish.

12. When the securities of any sheriff shall not reside within the parish for which the sheriff was appointed, it shall be the duty

Bonds of sheriffs
1813. 2

Sheriffs may furnish as securities freeholders of their district,
1817. 76 1

Property of securities out of the parish, how ascertained.

Residence of the securities endorsed on the bond.

1817. of the judge taking said bond, to endorse on the back of said
76, 4 bond the place of residence of said securities.

Sureties not bound
in solido, and not
for more than a cer-
tain sum.

1847.
110, 6

13. After the promulgation of this law, no person shall be permitted to obligate himself as surety upon any bond given by any tax collector of the State, or any collector of parish taxes, or any public officer of the State, or parish officer, for a greater amount than five thousand dollars, except in the city of New Orleans, where the sureties upon all said bonds shall not be permitted to obligate themselves for more than ten thousand dollars; and said sureties shall in no case be liable for each other, or beyond the amount for which each one may have obligated himself in the bond.

Powers granted to
recorder of mort-
gages and general
council.

1847.
110; 7

14. The duties imposed by law upon the recorders of the several parishes, shall, in the city of New Orleans, be performed by the recorder of mortgages, and the rights granted to the police juries, and other parochial authorities, shall be exercised, in the the city of New Orleans, by the general council.

Duties of Con-
stables of Orleans.
1848
168, 3

15. It shall be the duty of constables for the parish of Orleans to pay over or deliver to the parties entitled to the same, all monies, bonds, or obligations which they hold in their official capacity, on the first demand made for that purpose by said parties, their attorneys or agents; and in case any of said constables should neglect or refuse to comply with said demand, the party aggrieved may proceed by motion against said constable and his sureties, which motion shall be served by the sheriff of the parish of Orleans, of which twenty-four hours' notice shall be given; and if it appear to the satisfaction of the justice, that the constable has neglected or refused to pay over any funds, or deliver any funds or obligations in his possession, to the party entitled to the same, without any legal cause, or reasonable excuse, the justice shall render judgment in solido against such constable and his sureties.

Proceedings against
them for neglect of
duties

PARTNERSHIPS.

What corporations
allowed to be for-
med by this act.
1837.

63, 1

Proviso.

Rights and privi-
leges hereby grant-
ed.

Proviso.

Capital of said
companies.

1837.
63, 2

1. It shall be lawful for any number of persons to join and form among themselves and those who shall be willing to become subscribers thereto, any company or partnership for the purpose of carrying on manufacturing, farming or any other branch of industry, or of making roads or canals, or of making insurances of any kind; Provided, however, that no such company shall be authorized to embrace at the same time more than one branch of business or industry; and such company or companies, as soon as they shall have been formed, and the rules and formalities hereinafter prescribed to them shall have been complied with, shall be vested with all the rights and privileges which are now granted, and which attach to chartered companies created by any law of the State of Louisiana for purposes similar to those for which the company may be formed; and provided that insurance companies so formed shall be exclusively confined to the legitimate business of insurance.

2. The capital stock of any of said companies shall never exceed five hundred thousand dollars.

3. At the time of the formation of any of the above described companies or partnerships, it shall be the duty of those forming it

to draw up and cause to be passed before, and deposited with, any notary public residing in the place where the company is to be located, an act containing : First, the name, title and style under which the partnership is to be conducted, and the place where the company is to be located, but the surname of any person or persons shall not be employed. Second, the full and complete description of the kind of business or industry to be carried on under said name, title, or style, by the directors, managers or agents of the same. Third, the amount of its capital and how paid in. Fourth, the names of the partners and the amount which each partner shall have contributed to the same. Fifth, the period at which the partnership is to commence, and the period at which the same is to terminate its operations and wind up its concerns. Sixth, the number of directors, managers or agents to be appointed to transact the business of the company and administer its concerns. Seventh, the powers with which said directors, managers or agents shall be vested. Eighth, the time of duration of the services of said directors, managers or agents. Ninth, by whom, when the company shall have arrived at the period when it is to expire, all the concerns and affairs of the same shall be wound up and liquidated. Tenth, the clear definition of the powers to be exercised by the person or persons entrusted with said liquidation. Eleventh, the time when the dividends of the clear profits, after paying all charges and expenses of the company, shall be declared and paid. And as soon as the said act shall have been passed and signed by all the parties thereto, the notary and two competent witnesses, the same shall be published at full length in the paper published in the parish, (if there be one) where the company is formed, and also in two newspapers in the city of New-Orleans, both in French and English, at least twice a week, for thirty days ; and an authentic copy of the aforesaid act of partnership shall be constantly kept and preserved at the office of said company, subject to the examination and inspection of any person or persons transacting business with the said company ; and that for the better information of the said person or persons, a full, large, type copy thereof shall also be constantly posted up in one of the most public parts of said office.

Act to be drawn up of any of said companies or partnerships.

1837.

63, 3

Its contents.

The same to be published.

Copy thereof to be kept at the company's office.

4. No partnership proposed to be formed under the authority of the foregoing provisions shall be deemed to have been formed until the expiration of the thirty days publication required by the preceding section ; and if any false statement be made in said publication, all the parties interested in said partnership shall be liable for all the engagements thereof, as general partners ; and it shall also be the duty of said partnerships or companies to renew once a year the above publication for one week, in the manner provided in the third section, and to add thereto the names of such persons as may have become stockholders during the year, all which publications shall be proved by the affidavits of the editors of the papers in which said publications have been made, as provided in the third section, made under oath before a magistrate in this State, and to be filed in the respective offices of said companies in as short a time as possible after the last day of the

Any partnership, when may be deemed to have been formed.

1837

66. 9

All partners interested, when liable as general partners. Publication required by the third section, to be renewed once a year.

Proof thereof.

Proviso.

publication aforesaid; Provided, that such affidavit shall only amount to a presumption of the fact and may be disproved whenever practicable.

5. The time of duration of any of the companies or partnerships shall not exceed five years, to be reckoned from the completion of their respective notarial acts of co-partnerships; Provided, however, that this section shall not be so construed as to prevent such partnership to renew for another term, their acts of partnership, on complying with all the conditions required for the formation of the original partnership.

Maximum of the
time of duration of
any company.
1837
67. 13
Proviso.

6. All companies or partnerships formed under the foregoing provisions shall at all times be subject to any law or laws that may now exist, or hereafter be passed, concerning corporations or co-partnerships.

Companies under
this act, what laws
to be at all times
subject to.
1837
68. 15

Stocks, how to be
paid.
1837
64. 4

7. The stock of any company formed as aforesaid, having for its object, manufacturing, farming, or any other branch of industry, and the making of roads and canals, shall be paid as follows: at least twenty per cent. in cash, and the balance in such instalments as may be agreed upon in the act of partnership, which instalments, as they may mature, shall be paid in cash, and not otherwise. And the stock of any company formed with the object of making insurances as aforesaid, shall be paid as follows: at least twenty per cent. in cash, and not otherwise, and the balance, at such time or times, when the wants of such insurance partnership may, in the opinion of its directors, require the same to be paid; said balance to be secured in full by special mortgages on sufficient improved real estate, situated within the limits of the parish where the said insurance company shall be located and domiciliated; and it shall be lawful to divide the capital stock of said companies into shares, and said shares when full paid or secured as provided above, and not before, shall be transferable in the manner in which bank stock is transferable; Provided, however that a duplicate of the book of transfers, to be kept by and in the office of the company or partnership, shall be deposited at the same notary's office wherein the act of partnership shall be passed, and that no transfer of stock shall be valid, unless the same be entered upon both the said books and signed, first, by the party transferring the same; second, by the person to whom the transfer shall be made; third, by the president, manager or agent of the company; and fourth, by the said notary: the whole to be dated before signing; and provided, that no transfer of stock shall relieve the transferer from being liable for any debt or debts, liability or liabilities, which shall have been incurred by the company at the time of the transfer.

Shares.

When and how
transferable.
Proviso.

Bound books to
be kept by the di-
rectors, managers
or agents of the
companies.
1837.
65. 5

8. The directors, managers or agents, having the administration of the affairs and concerns of any of the companies or partnerships formed as aforesaid, shall have and keep bound books, in which shall be entered all and singular the operations and transactions of any kind or description whatever, together with all and singular the accounts of their respective companies at the date or dates of the same, without any interruption, that is to say, in continuation from page to page, which books shall each of them be numbered from the first to the last folio, and paraphed

by the judge of the parish in which the said companies or partnerships be located, at the first and last folio, stating the number of pages; the said directors, managers or agents as above, shall also have and keep a separate bound book, numbered and paraphed as above required, in which shall be entered at full length, all the deliberations of the said directors, managers or agents, in the order in which the same shall take place, which deliberations shall, in the day of their respective dates, be signed by all the directors, managers or agents aforesaid, who shall have been present at said deliberations.

9. It shall not be lawful for any of the said companies or partnerships to do any banking business of any kind, brokerage of any kind, stock jobbing of any kind, or the business of factors in any form, or the business of exchange in any form, nor shall it be lawful for any of them to invest any part of their cash or surplus funds in any other securities than the bonds of the State of Louisiana, or of the city or municipalities of New Orleans or an incorporated city or town of this State.

What business it shall not be lawful for any of said companies to do.
1837.
65. 6

10. All the contracts or transactions, acts or obligations of any of the said companies or partnerships, shall be made and entered into in the name and under the title and style which the said companies shall have adopted in their respective acts of co-partnership or association; and the said contracts, transactions, acts or obligations, shall be signed by such director, manager, or agent of the same, as may be appointed by the respective companies. The said companies or partnerships shall have full power to make and adopt such rules and regulations, or bye-laws, as they shall deem proper for the management of their respective concerns, and the same to amend, alter or repeal, whenever they shall think it advisable: Provided, that none of the said rules, regulations or bye-laws, be contrary to, or incompatible with, any of the provisions of law relating to them, or of any of the clauses and conditions contained in the notarial acts of co-partnership aforesaid. The directors, managers or agents of the said companies or partnerships shall be bound and answerable only as mandataries or attorneys in fact, provided they do not exceed the powers or facilities granted to them by the acts of partnership or association, or by the bye-laws made in pursuance of this section.

Their contracts, transactions, &c., in what name to be made and entered into by them.
1837.
65. 7

Bye-laws.

Proviso.

Liability of the directors, managers or agents of said companies.

Proviso.

11. No individual, partner or stockholder in any of the companies or partnerships aforesaid shall in any manner be liable over and above the amount of stock at par value which they shall hold in any of the said companies or partnerships for the debts and obligations of the same.

Extent of said liability,
1837.
66. 8

12. If any partner or stockholder of the company shall be a creditor of the partnership or company at or about the time such partnership or company shall become insolvent, or shall be in failing circumstances, such partner or stockholder shall not receive payment for any portion of his claim, until all other claims are paid, or otherwise secured to the satisfaction of the claimants.

Insolvency of any company or partnership,
1837.
68. 17

13. At least once a year, a meeting of all the stockholders in any of the companies or partnerships formed as aforesaid, shall be convened by the directors, managers or agents having the

Meeting of the stockholders.
1837.
66. 10

Statement of af-
faire,

Duty of said meet-
ing.

Forfeiture of the
privileges secured
by this act.

Dissolution of
said companies,
when may take
place,
1837,
67. 11
Proviso,

Stock, when not
transferable, and
dividend, when not
declared and paid.

No part of the
capital or of the
stock to be with-
drawn, returned,
etc., previous to
the legal dissolu-
tion of any part-
nership.
1837.
67, 12.

What shall never
be a valid plea to
screen any com-
pany from the juris-

management of the affairs or concerns thereof, so as to be held at least ten days before declaring any dividends of profits, at the office of said companies respectively; that at the said meeting, a full and correct statement, together with all the books and vouchers in support thereof, shall be submitted for the purpose of being investigated by the said stockholders or their proxies, and in case they shall discover that any transaction or operation of their directors, managers or agents shall have been made in violation of the true intent and meaning of any of the provisions of law relating to the said companies or partnerships, or any clause, clauses or conditions contained in the act of partnership, or of any of the rules, regulations or by-laws made, it shall be the duty of the said meeting at once to remove the guilty directors, managers, or agents, and to make them account for and pay any loss or damage that may have accrued to the company or others, in consequence of said violation, as also to cause to be annulled any transactions that shall have been made in that unlawful manner; and in case of neglect on the part of said meeting to perform the duties herein imposed upon them, they shall thereby lose and forfeit the privilege secured to them as a company or partnership as aforesaid, and their partnership shall be declared to be a general commercial partnership, for all the debts, contracts, or obligations of which, all and each of the stockholders neglecting to perform such duties, personally or by proxy, or to take all legal steps to have this section carried into effect, shall be bound in solido.

14. Any of the said companies or partnerships may be dissolved before the expiration of the time fixed for their duration, on the application of stockholders, holding at least two-thirds of the capital stock of such company or partnership; Provided, that they shall give the company or partnership six months previous written notice, signed by them all, and cause the same to be inserted in the papers as hereintofore provided in relation to the acts of partnership; and if the company or partnership is located out of the city of New Orleans, in the paper published in the place nearest to the one in which said company or partnership may be located; and from the day that said written notice shall have been left at the office of the company or partnership, no part of the stock held by such noticing stockholders shall in any manner be transferable by them to any person or persons, nor shall any dividend be declared and paid to them or any other stockholders.

15. No part of the sum which shall have been contributed to the capital of any of the above contemplated companies or partnerships; and no part of the stock which any stockholder may own in the same, shall at any time previous to the legal dissolution and final and complete liquidation of all the concerns thereof, be, under any pretence, or in any form and shape whatsoever, withdrawn by, or returned, or delivered, paid over, or lent to any of said partners or stockholders.

16. Any company formed as aforesaid, shall be only sued at its domicile, which will be the place of its location; and no manner of expression used by any such company, in the act of co-partnership passed by them, or any fault or negligence of the

partners, in not naming proper directors, agents or managers to conduct its affairs, and giving to them a fixed and known domicile and residence, shall ever be a valid plea to screen the said company from the jurisdiction of the tribunals of this State, held in the district or parish where the domicile of the said company may be established by the act of co-partnership; and in all such cases process of law served upon any one of the co-partners, in whatever part of the State he may reside or be found, shall be sufficient to give the tribunals of the partnerships domicile jurisdiction and cognizance of any suit commenced therein against the said company.

diction of the tribunals of this State.
1837.
63, 68, 3 and 16.

What service of protest of law sufficient to give jurisdiction to the tribunals of the partnership's domicile.

17. The Legislature may at any time appoint a committee or committees, or commissioners, to examine into the affairs of any partnership or company which may be formed as aforesaid; and such committees or commissioners shall have power to make the most full and minute examinations of all the books, accounts, proceedings, and other affairs of such partnerships or companies of every kind or description: and such committees or commissioners shall have power to examine any persons as witnesses, touching the affairs, actings and doings of such companies or partnerships; and if any such partnership or company shall refuse to permit such examinations as such committees or commissioners shall desire, or shall fail to furnish every convenient facility for enabling them to effect such examinations, then, and in that case, such partnership or company shall be dissolved, and the stockholders and partners shall thereafter be responsible as commercial co-partners in every respect.

Legislature may at any time appoint a committee or commissioners to examine into the affairs of any partnership.
1837.
68, 18.

Powers of said committees or commissioners.

Responsibility of said partnerships or companies, as commercial co-partners, in what case to occur.

18. All insurance companies formed under the authority of the foregoing provisions, and located in the city of New Orleans, shall pay annually the sum of seven hundred and fifty dollars, to be equally divided among the three municipalities of the city of New Orleans, to be applied for the use of the fire department.

Annual sum to be paid by insurance companies formed under this act, in New Orleans.
1837.
68, 14

PEDLARS AND HAWKERS.

1. No person or persons shall trade or traffic as a pedlar or hawker, nor shall any pedlar or hawker sell or cause to be sold any kind of goods, without having obtained a license so to do from the Auditor of Public Accounts, and without having given bond with good and sufficient security, conditioned that he or they shall not trade or traffic with slaves, or cause others to trade or traffic with slaves, in contravention of the provisions of law.

Forbidden to trade or traffic without having obtained license, &c.
1809.
38, 3
1811.
50, 1
1820.
24, 1
1841.
53, 54

2. Under the designation of pedlars and hawkers shall be included all persons whatever, selling or exchanging goods, wares and merchandize, in any craft on the water courses of this State, as well as all persons who either by themselves or by others, shall receive in payment for freight, either produce, goods, wares or merchandize, or any or all of these articles, with intent to, or who shall actually barter, sell or exchange the same in any way; Provided, however, that the provisions of this section shall not be construed to extend to any person or persons employed bona fide in the selling on board any boat or water craft, the produce or manufactures of any of the United States, when such produce or

Who shall be deemed pedlars and hawkers.
1830.
118, 2

1835.
205, 2

manufactures alone are sold, nor to those persons who only sell in the country the produce of their own plantation.

1809.
38. 4.

1811.
52. 2

3. Should any pedlar or hawker attempt to carry on any trade or traffic whatsoever, without obtaining a license according to law, he shall be subject, and he is hereby declared liable to pay a fine not exceeding one hundred dollars for each offence, for the benefit of the parish where he may have been arrested, and should he be not found able to pay the said fine, he shall be sentenced to suffer an imprisonment which shall not exceed six months, and shall not be less than two months.

1811.
52. 2
1820.
24. 4

4. All pedlars and hawkers shall exhibit their license, when thereto required, to any collector of taxes, justice of the peace, or freeholder.

1820.
24. 3

5. It shall be the duty of every pedlar, or hawker, before commencing any species of traffic or trade in this State, to cause to be affixed to the water craft, or vehicle, of whatever description, in which his or her goods may be transported, a label, bearing the name of the parish of his or her domicil, and bearing also the number of his or her boat or vehicle, as aforesaid.

1820.
24, 5
1825.
146, 5

6. If any pedlar or hawker shall sell any species of spirituous liquors, arms, or ammunition whatever, to any slave, or if any pedlar or hawker shall purchase any poultry, stock, or article of any description, from any slave, without the consent of his master, mistress or overseer of said slave, such pedlar or hawker, on conviction of the same, before any court of competent jurisdiction, shall be rendered incapable of receiving a license thereafter, and be further subject to the penalty imposed in the following section.

1820.
24, 4.

7. If any pedlar or hawker shall violate any of the provisions of the three preceding sections, he shall be fined in a sum which shall not exceed five hundred dollars or be less than fifty dollars, one half to the use of the State, and the other half to the benefit of the informer, and be further liable to imprisonment for a term not to exceed three months, or be less than fifteen days; and it shall be the duty of the attorney general, and the district attorneys throughout the State, to prosecute all persons contravening the said provisions, on information of any freeholder.

1811.
52, 3

8. Every pedlar or hawker is expressly prohibited from delivering, or causing to be delivered to any slave or slaves, with or without the permission of his or their master, any kind of arms or ammunition whatever, under the penalty of a fine of five hundred dollars, or one year's imprisonment, at the discretion of the court before whom the said prosecution shall be instituted, either by indictment or otherwise; and that the fines which may be recovered by virtue of this section, shall be for the benefit of the State, and paid to the treasurer of the same.

PHYSICIANS AND APOTHECARIES.

License.
1816.
84, 1
1817.
92, 4

1. No person shall have the right to practise physic, surgery, midwifery or the profession of apothecary, in any part of the State of Louisiana, without having previously undergone an examination, and obtained a certificate, which shall be delivered to him by a medical board, in the manner hereafter prescribed, un-

less the degree of doctor of medicine shall have been previously conferred on him by the University of Louisiana.

2. The medical board shall be composed of six physicians and two apothecaries, and shall hold its sessions in the city of New Orleans. The members of the said board, as at present organized, shall constitute the said board.

3. Four of the members of the Board shall constitute a quorum to do business, and all vacancies occurring hereafter therein shall be filled by a commission from the Governor, (with the advice and consent of the Senate) as members of the Medical Board for the State of Louisiana; Provided, however, that no member shall be appointed who has not obtained a certificate to practise physic and surgery, or the profession of apothecary under some law of this State; Provided, that the apothecaries making part of the Board shall only take part in the examination of apothecaries to be licensed by authority of law.

4. The members of the Board shall choose from among their own number a president, who shall preside at their respective meetings. They shall also appoint a clerk, who shall keep a correct journal of all the proceedings of the Board, which shall contain a registry of the names of the different applicants they may have admitted to the practice of physic and surgery, of midwifery or of the profession of apothecary; and the majority of the Board agreeing to the admission of an applicant after his examination, shall be authorized to issue a certificate of such examination and admission.

5. Every individual who shall intend to practise the profession of physician, apothecary, or of midwifery, within this State, shall present to and deposit with the secretary of the Medical Board, a diploma, obtained from a board of physicians, or a legally instituted medical college, or in lieu thereof, satisfactory evidence that he has been possessed of such a diploma, of which he has been deprived by some unavoidable cause; it shall then be the duty of the secretary to assemble the Medical Board.

6. A candidate who shall have graduated in any other than the Medical College of Louisiana, shall not be permitted to practise the profession of a physician, an apothecary, or of midwifery, unless said person shall previously have established to the satisfaction of the Medical Board, either by a formal examination, or by a scientific conversation, that he is entitled to his diploma; and whenever the majority of said Board shall acknowledge said candidate to be possessed of all the information and moral qualities required by the branch of the profession for which he applied, they shall deliver to said candidate a license designating on which of the three branches of the profession he was examined, and said Board shall have a right to demand and receive from said candidate at the time of the delivery of said license the sum of twenty dollars, if the application be to practise as a physician or apothecary, and the sum of ten dollars, if to practise midwifery, which sum, (after the expenses of the Board have been deducted) shall annually be paid over to the treasurer of the Charity Hospital, to be appropriated to the use of said Hospital; and any candidate, who, agreeably to the preceding section, shall have

1840.
100, 3 and 5
1847
41, 9
Medical board to be composed of six physicians and two apothecaries.

1817.
90, 1 and 2
1840.
99, 100, 1 and 2

Vacacies, how filled.

1817
90. 2
1840
100 2

Qualifications of members.

Apothecaries of the Board, their functions.

Presidents and clerks, their functions.

1817
92. 3
1820
30. 3 and 4
1840
99. 1

Licenses.

Persons intending to practise in this State, how to proceed.

1840
100. 2

Candidates who have graduated in any other than the Medical College of Louisiana, what required of them.

1840
100. 3

Temporary licences, when given.

Their duration.

been admitted to an examination on the exhibition only of a certificate testifying the loss of his diploma, shall receive only a temporary license, to have effect only during the time that may be necessary to obtain from the Medical Board or College, of which he is a graduate, another diploma, or an equivalent document, and the said time shall not exceed three months, when said candidate shall have graduated in America, or six months if he has graduated in Europe.

Rejected candidates, their rights.

1840.
100, 4

7. Any candidate who shall have been rejected, shall have a right to claim a public examination, by the same members of the board who rejected him; and notice of said examination shall be published three successive days in English and French in one or more gazettes of this State.

1816.
84; 3

Proviso.

8. It shall be the duty of every individual who shall receive a license from the said board to practise the profession of a physician, an apothecary, or of midwifery, to cause the said license to be recorded in the clerk's office of the parish in which he shall exercise his profession, in order to apply to it in case it should be necessary; Provided always that every individual now practising physic or the profession of apothecary, and having complied with the formalities required by previous laws concerning physicians, surgeons and apothecaries, shall be authorized to continue the exercise of his profession, after having caused to be recorded in the clerk's office of the parish in which he practises, the certificate which the said laws required him to obtain.

Penalty for practising without license.

1840.
101 5

1845.
99, 1

9. Every person who shall practise in the State of Louisiana the profession of a physician, an apothecary, or that of midwifery, without a special license granted by the medical board, or a diploma from the university of Louisiana, conferring the degree of doctor of medicine on him, shall be liable to a fine that shall not exceed the sum of one hundred dollars for the first offence, and for the second offence, such person shall be fined in a sum that shall not be less than two hundred and not more than five hundred dollars, recoverable by said medical board, or by any person, before any court of competent jurisdiction in this State: and said fines, after deducting the fees of counsel for prosecuting, to be taxed by the court before which suit is brought, shall be paid by the clerk of said court to the treasurer of the Charity Hospital.

1820.
30, 5
1816.
86; 4

10. Nothing herein contained shall be so construed, as to prevent any person residing out of New-Orleans from selling medicine which shall have been purchased from any legal apothecary, and which shall have been plainly labelled by said apothecary; or to apply to any inhabitant or planter in the country, who on the application of any of his sick neighbors, should render them assistance or administer remedies to them.

PILOTS.

OF THE PORT OF NEW ORLEANS, AND OF THE
MISSISSIPPI RIVER.

Their Appointment, Qualifications, &c.

1. The Governor shall appoint every two years, by and with the advice and consent of the Senate, three persons to be selected

from the Branch Pilots, to compose a board of examiners; and the Governor aforesaid is hereby authorized to fill vacancies that may occur by the death or resignation or removal of any member or members of said board; and all persons who shall become branch pilots, shall be eligible as members of said board.

Board of Examiners.
1837.
701. 2
Vacancies therein.

2. From time to time, as often as it shall be required, it shall be lawful for the Governor of this State to appoint as many persons to be branch pilots for the port of New Orleans as he may deem necessary, not less than sixty-five, nor more than seventy-five in number, including those already appointed; provided that no person shall be appointed a branch pilot unless he has resided in the State at least two years, and that he be a citizen of the United States, and until he has first been examined by a board of examiners and recommended by said board as qualified to be a branch pilot, to the master and wardens of said port, who shall certify the same to the said Governor.

Number of pilots to be named.
1837.
101. 1
1848.
37. 1

3. The master and wardens of the port of New Orleans, with the consent of the Governor of the State, may make such rules and orders for the better government of the pilots as they shall deem proper, and the same from time to time revoke or amend; and impose fines for contravention of such rules and orders: Provided the fine thus imposed shall in no case exceed the sum of one hundred dollars, to be sued for and recovered in the name of the said master and wardens, before any court of competent jurisdiction, for the use of the Charity Hospital of New Orleans.

Qualifications of pilots.

1805.
138, 13
1826.
52. 3

4. Every branch pilot, before he takes upon himself the execution of his office, shall enter into recognizance to the Governor of this State, with two sufficient securities, in the sum of one thousand dollars, to be approved of by the master and wardens aforesaid, conditioned that he will diligently and faithfully execute the trust reposed in him as branch pilot, according to law and such rules and orders as shall be made and given in pursuance thereof; and every such recognizance, if forfeited, may, at the request of any person aggrieved, be prosecuted in any court of the city of New Orleans, or of the State, having cognizance thereof, to judgment and execution, as in other cases; and the amount of such recognizance, when recovered, shall, by an order of the court in which the same is recovered, be paid to the said master and wardens; and the said master and wardens, or any three of them shall, in such case, and also at any time after suit, brought on such recognizance, if required by any party interested therein, examine into and ascertain the damages sustained by the persons so aggrieved, and shall apply the money so to be received, or as much as shall be requisite, to pay the damages so ascertained, and shall make report, in writing, to the court in which such recovery shall be had, of the damages so ascertained and paid: Provided, however, that if the branch pilot so offending, shall before judgment is obtained on his recognizance, as aforesaid, pay to the party aggrieved the damages, to be ascertained by the said master and wardens, in manner aforesaid, together with the costs of suit, the suit on such recognizance shall be dismissed.

Branch pilot to give bond.
1837.
102. 3

Conditions of bond.
1805.
133. 10

How to be prosecuted in case of breach of the conditions, &c.

5. Every branch pilot of the port of New Orleans shall be ow-

To be owner or part owner of a pilot boat.

1826.

52, 4

1837.

102, 4

To be suspended if not, &c.

Master and wardens not to be interested in pilot boats, or the business of pilots, &c.

1805.

135, 12

Pilots to appoint their own agents.

1837.

103, 11

No license for public house, &c., to be granted, without their consent.

1826.

54, 6

ner or part owner of at least one decked pilot boat, of not less than thirty feet keel, and shall keep such boat exclusively employed as a pilot boat; and every such branch pilot not owning or employing a pilot boat as aforesaid, shall be suspended from his office by the master and wardens of the port; and the said master and wardens shall report the case to the Governor, who may withdraw the commission or license of said branch pilot.

6. Neither the master nor any of the wardens aforesaid shall be concerned directly or indirectly in any pilot boat, or with any branch pilot, in respect to the business of his trust.

7. The pilots of the port of New Orleans shall have the power to appoint whomsoever they shall see proper as their agent or agents to collect the amount due for pilotage.

8. No license shall be granted to any person to keep a tavern, grog-shop, billiard house, or any other house of public entertainment at the Balize, the South-west Pass or any other station for pilots, nor within three miles of such station, unless the person applying for such license shall be recommended in writing by a majority of the branch pilots; and any person keeping any public house as aforesaid at any of the places aforementioned without license, shall pay a fine of fifty dollars for each and every week such public house shall be kept, and moreover be obliged to remove or shut up such public house; Provided that nothing in this section contained shall be so construed as to exonerate persons, keeping public houses, without a license, from the fines or other penalties imposed by parish regulations.

THEIR DUTIES, PRIVILEGES, ETC.

To register their names, etc.

1805

124, 4

9. It shall be the duty of all persons acting as branch pilots, in the port of New Orleans, to register their names and places of abode, respectively, in the office of the harbor master of the said port, and the name, size and dimensions of the respective pilot-boats used by them.

Not to leave station for more than three consecutive days, etc.

1826.

52, 8

10. No branch pilot shall be allowed to leave his station for more than three consecutive days, unless he shall have obtained a written permission so to do, from the master and wardens of the port, under a penalty of fifty dollars; Provided that permission shall in no case be granted to more than two branch pilots to leave their station at one and the same time.

To obey the order of the harbor-master, when, etc.

1805.

126, 5

11. The said harbor master shall have power to order any branch pilot whom he may find in the city of New Orleans, to return to his station at the Balize. And any pilot refusing to comply with the said order, or who shall evade the same, or shall refuse or neglect to perform any of the duties imposed on him, shall, on due proof thereof, made to the master and wardens of the said port, be subjected to a fine not exceeding fifty dollars, to be recovered with costs of suit, before any court having cognizance thereof, or be rendered incapable of acting as a pilot thereafter, as in the judgment of the said master or wardens may be deemed proper.

To show instructions of the master and wardens, etc.

12. Every branch pilot, as soon as he shall go on board to take charge of any vessel, fo pilot her into the Mississippi river, shall show to the master or commander of such vessel, the printed

instructions in relation to his trust, furnished him by the said master and wardens.

1805.
138, 14

13. Every person, upon offering to pilot a ship or other vessel over the bar at the different mouths of the river Mississippi, shall, if required, exhibit to the commander of said ship or vessel, his branch as pilot aforesaid, and upon his refusing or neglecting to exhibit his branch, when demanded, as aforesaid, he shall not be entitled to any remuneration for any services he may render as pilot.

Exhibition of the
pilot's branch to
the commander of
any ship or vessel.
1837.
102, 6.

14. Whenever any branch pilot shall have, when practicable, refused or neglected to go on board any ship or other vessel when called by signal, or otherwise, he shall lose his commission, and be for ever incapacitated from being commissioned as pilot, and shall, moreover, be liable to be fined in the sum of five hundred dollars, and in default of the payment thereof, he shall suffer imprisonment for a time not less than three months, nor more than six months.

Penalty against
branch pilots for
refusing or neglect-
ing to go on board
any ship or vessel.
1837.
103, 10.

15. It shall be lawful for every branch pilot, aforesaid, to ask and receive pilotage from any person who shall employ him to pilot any ship or vessel from sea to within the bars at the mouth of the Mississippi: and shall, if required, there safely moor such vessel; and likewise from every person who shall employ him to pilot any ship or vessel from within the river Mississippi to the eastward and southward of the said bars, so far that such vessel may safely proceed to sea, at the rate of two dollars and fifty cents for every foot drawn by any ship or vessel piloted by him, drawing less than ten feet water, and three dollars and a half for every ship or vessel piloted by him, drawing twelve feet water, and upwards; and vessels of one hundred and fifty tons, and under, from Louisiana, Texas, Alabama and Florida, shall come in and go out free.

Right to ask and
receive pilotage.
1805.
142, 19.
1837.
102, 9

Rate of Pilotage.

What vessels are
exempt from paying
pilotage.
1818.
37, 2

16. If any vessel going out of the river Mississippi, shall carry off to sea, through the default of the master or owner of such vessel, any pilot, when a boat is attending to receive such pilot from on board such vessel, the master or owner of such vessel shall pay to the master and wardens of the port of New Orleans, besides the pilotage of such vessel, the like wages per month until he shall return to the port of New Orleans as the monthly wages allowed to the mate of such vessel: Provided, that such pilot shall have performed the duties required of him by law as pilot; and if any money shall have been paid to such pilot by the master, owner or factor of such vessel, the same shall be deducted from the monies to be paid to the master and wardens, for the use of such pilots.

Penalty for carrying
away a pilot.
1805.
142, 18

17. If the master of any ship or vessel, coming to the port of New-Orleans, shall refuse to receive on board and employ a pilot, the master or owner of such ship or vessel shall pay to such pilot who shall have offered to go on board and take charge of the pilotage of such vessel, half pilotage.

Any master who
refuses a pilot, to
pay half pilotage.
1805
140 17

18. The master or owners of any ship or vessel appearing in distress and in want of a pilot on the coast, shall pay unto such branch pilot who shall have exerted himself for the preservation

Master and owners
to pay pilots who
render assistance.
1805.
140, 16

of such ship or vessel, such sum for extra services as the said master or owner and pilot can agree upon.

19. If any person who shall not have been commissioned as a branch pilot, shall pilot any ship or other vessel into or out of the Mississippi river, when a branch pilot offers, such person shall forfeit and pay to such branch pilot the sum of thirty dollars, or in default thereof, be condemned to seven days' imprisonment.

Penalty for piloting
without a branch.

1826

54 5

1837.

102 5

PENALTIES, HOW RECOVERED AND DISPOSED OF.

20. All fines and forfeitures arising, except such as may arise under the preceding section, and in cases of forfeited recognizances of pilots, shall be sued for and recovered by and in the name of the said master and wardens of the port of New-Orleans before any court of competent jurisdiction : and no such suit shall discontinue or abate by the death, resignation or removal from office of the said master and wardens; and all such fines and forfeitures shall be for the use and benefit of the Charity Hospital of New-Orleans.

Proceedings with
respect to fines and
forfeitures

1805.

130, 9

1826.

56, 9

OF THE ATCHAFALAYA.

21. The Governor shall appoint from and after the 7th of March 1850, and from time to time as often as it shall be required, as many persons to be branch pilots for the Atchafalaya bay and river, as he may deem necessary; not exceeding six in number, including those already appointed: Provided that no person shall be a branch pilot, unless he has resided in the State at least two years, and that he has been two years a citizen of the United States, and until he has first been examined by a board of examiners and recommended by said board, as qualified to be a branch pilot, to the clerk of the police jury of the parish of St. Mary, who shall certify the same to the Governor of this State.

Appointment of
branch pilots for
the Atchafalaya
bay and river.

1837.

103, 13

1848

37, 1

Qualifications of
said pilots.

1841.

34, 1

1850.

51, 1

Appointment of a
board of examiners.

Eligibility to said
board.

1850.

51, 2

Obligations im-
posed upon the
members of the
board of examiners

1850.

52, 8

Examination of
the present branch
pilots.

1850.

52, 7

Renewal of their
securities.

22. The Governor is hereby authorized to appoint, immediately after the 7th of March 1850 and every four years thereafter, three persons from the present branch pilots, to compose said board of examiners, and the Governor aforesaid is hereby authorized to fill vacancies, by and with the advice and consent of the Senate, that may occur by the death or resignation or removal of any member or members of said board; Provided that hereafter, all persons, who, by virtue of this act, shall become branch pilots, shall be eligible as members of said board.

23. The three branch pilots who may be appointed, agreeably to the provisions of the preceding section, to compose said board of examiners, shall upon their entrance upon their duties as examiners aforesaid, renew their securities as branch pilots agreeably to the provisions of the third section of this act, and take and subscribe the oath according to the eighty-ninth Article of the Constitution of the State.

24. From and after the twenty-fifth of March, one thousand eighth hundred and fifty, the present branch pilots, excepting those who may be appointed to compose said board of examiners, shall undergo an examination as to their qualifications to be branch pilots, and if found qualified, shall be required to renew their securities, agreeably to the provisions of the following

section and be appointed as branch pilot by the Governor of this State at his discretion.

25. It shall be the duty of each and every pilot appointed for the Bay of Atchafalaya, before entering into office, to subscribe a bond in favor of the Governor of this State, in the sum of one thousand dollars, with two securities, to be approved by the recorder of the parish of St. Mary.

Pilots to give bond
1850
52. 3

26. Every branch pilot for the Atchafalaya bay and river, shall be the owner or part owner of at least one decked pilot boat, of not less than thirty feet keel and eighty feet beam, and keep her exclusively employed as a pilot boat, at least from the first of October until the first of June in each year; the violation of this section subjects the offender to fifty dollars fine for each offence, to be collected before any court of competent jurisdiction.

Every such pilot to be the owner or part owner of one decked pilot boat.
1848
37 2
1850
52. 4

27. Any branch pilot leaving his station for more than ten days, without leave of the board of examiners, shall forfeit and pay a fine of fifty dollars, and leaving the station for more than sixty days without permission, shall upon conviction thereof, before any court of competent jurisdiction, forfeit his commission, and no permission shall be granted to more than three at the same time.

Pilots not to absent themselves
Forfeiture to be incurred by said pilots.
Permission of absence.
Penalty.
1850
53. 11

28. Whenever any branch pilot shall have, when practicable, refused or neglected to go on board of any ship or other vessel, when called by signal or otherwise, he shall lose his commission as pilot, and shall moreover be liable to be fined in the sum of five hundred dollars, in default of the payment whereof, suffer imprisonment for a time, not less than three months nor more than six months.

Penalty for neglect of duty.
1812
184. 2
Penalty incurred by pilots for neglecting to perform their duties.
1850
53. 14

29. Every person, offering to pilot any vessel either in or out of the Atchafalaya bay or river, shall, upon his boarding such vessel, if required by the master or commander of said vessel, exhibit his branch as pilot aforesaid, and upon his refusing or neglecting to exhibit his branch, when demanded as aforesaid, he shall not be entitled to any remuneration for any services he may render as pilot.

Duties of said pilots when boarding a vessel.
1850
52, 6

30. It shall be the duty of said pilots to pilot, when required, all inward bound vessels, from outside of what is commonly called the point of the main reef to the mouth of the Atchafalaya river, and all outward bound vessels from the said river outside of said reef, and said pilot or pilots shall be entitled to demand and receive from the master or owner of any vessel he or they may pilot, three dollars and fifty cents per foot, parts of a foot in like proportion, that any vessel may draw; all vessels refusing a pilot, other than those trading within the State of Louisiana, shall pay half pilotage, both inward and outward bound; Provided, that they may be spoke by a branch pilot when inward bound, outside of said reef, and all outward bound vessels between Berwick bay and the mouth of Atchafalaya river.

Duties of said pilots in piloting vessels.

Fees to which they are entitled.

31. If any person, not appointed a branch pilot, shall pilot any ship or other vessel in or out of the Atchafalaya bay or river, when a branch pilot offers, he shall forfeit and pay to said branch pilot, the sum of thirty dollars, or in default thereof, be condemned to ten days imprisonment.

Penalty for interfering with the rights of the pilots.
1850
52.

32. The said pilots shall be entitled to demand and receive from the master or owner of every inward or outward bound vessel, pilotage and half pilotage at the rate of three and a half dollars for every foot any ship or vessel he may pilot shall draw, in the same manner as is allowed by law to the pilots at the mouth of the Mississippi river.

Compensation allowed for so doing.

1841
34. 2
1837
102. 9

Rates of pilotage.

1850
53. 9

33. For any inward or outward bound vessel, which shall be laden so as to draw over eight feet water, the master or owner of such vessel shall be liable to pay pilotage at the rate of four dollars for each and every foot over the said eight feet, that such vessel may draw, and in proportion for each fraction or parts of a foot.

Certain exclusive right granted to pilots.

34. Any pilot, piloting any vessel safe from sea, shall have the exclusive right to pilot such vessel to sea again; Provided, that he gives satisfaction to the master on coming in, and be in readiness and offer his services before said vessel gets below Shell Island on the Atchafalaya river.

Penalty for discharging ballast illegally.

35. Discharging ballast in said bay, shall subject the master or owner of such vessel to a fine of one hundred dollars, to be collected before any court of competent jurisdiction.

OF THE SABINE RIVER.

Appointment, duties, compensation, &c.

1845
40.

36. The Governor of the State is hereby authorized to appoint one or more pilots for the Sabine river, subject to the same examination, recommendation, rules and requirements as are provided by existing laws, and entitled to the same compensation awarded to the pilots of the port of New Orleans and river Mississippi.

POLICE JURIES.

DIVISION OF PARISHES INTO WARDS.

Wards.

1813.
154. 1
1816.
160. 1

Powers granted to police juries in relation to police jury wards in the several parishes of the State, (Orleans and Jefferson excepted)

1847.
116.

That portion of the parish of Orleans which is situated on the right bank of the Mississippi is divided into seven police jury districts

1818.
25.

Number of the jury and wards.

1834.
16, 1

1. The parishes of the State shall be divided into as many wards as their local situation may require or permit, for the purpose of securing to each of the said wards an equal representation in the police jury. The police juries of the several parishes of this State, (the parishes of Orleans and Jefferson excepted,) shall have power, by consent of a majority of all the members composing each board of police, to establish police jury wards, and to change the boundaries of those now existing in their respective parishes.

2. The police jury in and for that portion of the parish of Orleans situated on the right bank of the river Mississippi, or a majority of them, shall be, and they are hereby authorized to divide that portion of the parish of Orleans on the right bank of the river, into seven districts, each of which shall have the right of electing a member of the police jury, at such time as may be fixed by said police jury, or a majority of them; and the police jury thus appointed shall be renewed in the manner prescribed by the laws relative to police juries.

3. The police jury of the parish of Jefferson shall be constituted and composed of not less than eight, nor more than twelve members, whose duty it shall be to divide the parish into as many wards as shall correspond with the number of members that compose the jury, so that each ward shall be represented in the jury by one member.

ELECTION, ORGANIZATION, MEETINGS, ETC.

4. On the second Mondays of May, in every year, the inhabitants of the several wards of each of the parishes of this State, who have the qualifications of voters prescribed at the time being, by the constitution of Louisiana, for the electors of representatives in the General Assembly, shall meet in their respective wards, at the place designated by authority of law, and shall there elect by ballot, under the superintendence of a justice of the peace, or in default thereof, of two inspectors appointed by the president of the police jury, from among the legal voters of their respective wards, a person who shall be eligible to the House of Representatives of the General Assembly, in and for the parish in which he may be elected, to represent them in the police jury of the parish. Three days previous notice shall be given by the president of the police jury, by means of public advertisements; and the election shall continue open from nine o'clock in the morning, until three o'clock of the afternoon of the said day; and the presiding justice of the peace, or the inspectors, as the case may be, shall then, in the presence of the voters, or of such of them as may remain there, proceed to take an account of the votes; and the person who shall have obtained the majority of votes actually given in, shall be proclaimed duly elected member of the police jury, and the name of the person so elected, together with the certificate of such election, certified by said justice of the peace, or by the said inspectors, shall be transmitted to the president of the police jury, to be registered in the records of the parish; and the said justice of the peace, or the said inspectors, shall moreover transmit a certificate of said election to the person who shall have obtained said majority of votes, provided that if there should be no election on the said second Monday of May, then, and in that case, it shall be the duty of the president of the police jury to order an election on some other day, to be holden agreeably to the mode prescribed by this section, after giving ten days' notice.

5. The members composing the police jury shall be elected for two years, and the members of said jury returned on the first election to be held pursuant to this act, shall be divided by lot into two classes; those of the first class shall continue in office during two years, and those of the second class shall continue only during one year, so that the said jury shall thereafter be renewed every year by one-half; the members of the said jury shall meet on the first Monday of June, in every year, at the seat of justice of their respective parishes. A majority of the said members of the jury shall form a quorum to deliberate and act, except in the case of any new expense to be ordained or of any new parochial tax to be laid, or of any former tax to be increased or diminished, in all which cases the meeting must consist of at least two-thirds of the members of the jury.

6. The police juries shall have the power to fix the periods of their respective regular meetings, and to meet at such other times as they may deem necessary.

7. The police juries throughout the State shall choose presidents from among the members of their respective bodies, annu-

Time and manner of election.

1813.
154, 2
1846.
5.
1820.
54, 3

1820.
38, 1, 2

1846.
5.

1847.
81, 1

Returns how made.

Proviso.

Continuance in office, Classes.

1813.
154. 4

When to meet,

1830,
130. 4

President, how chosen.

ally, who shall preside at their meetings, and have all the powers and perform all the duties which have heretofore been required by law of the parish judges, while acting in that capacity; Provided, that nothing contained in this section shall be so construed as to give to the president two votes on any one question before the body. The president so elected shall serve for one year.

8. It shall be the duty of presidents of police juries to order elections to fill all vacancies that now or may hereafter exist in said police juries, giving at least ten days' notice of such election, by having written or printed notices posted at three several places in the ward where said election may be ordered; and in such parishes where newspapers are published, besides the notice above directed to be given, publication thereof shall be made in one newspaper, twice in ten days, in English and French, or in English only, at the option of the president of the police jury.

9. Such elections shall be conducted according to the existing laws regulating elections.

10. Notice of the meetings of police juries shall be necessary only in cases of special meetings thereof.

11. The members of police juries shall be entitled to two dollars per day for every day they are actually employed in the service of their respective parishes at meetings of the police jury, to be paid out of the funds of the several parishes, on warrant from the person exercising the functions of president of the jury.

12. Whenever any member of any police jury, on being duly notified, shall fail to attend at any meeting of said jury, or who, having attended, shall absent himself from said meeting, previous to the legal separation thereof, without a reasonable excuse, he shall forfeit and pay to the treasury of his parish the sum of thirty dollars, and the district courts of the different parishes are hereby authorized and empowered to impose and collect by execution the said fine in a summary way.

13. The president of the police jury, when desirous of resigning his seat as a member or president, shall tender his resignation to the police jury.

14. Whenever any president of a police jury of any parish shall fail or neglect to perform any of the duties imposed on him relative to police juries, without a reasonable excuse, he shall forfeit and pay for each failure as aforesaid, the sum of one hundred dollars into the treasury of his parish, to be recovered by motion before the District Court, by the District Attorney, three days' notice of which motion shall be given said judge, and it is hereby made the duty of the District Attorneys throughout the State, diligently to enquire whether the said presidents shall have performed their duties, and proceed as the case may require.

15. The president of the police jury in any parish shall summon the members to hold a special meeting of the police jury of said parish, when thereto required by twelve inhabitants, freeholders, by a written application to that effect signed by them, and whenever there is a vacancy in the office of president of the police jury, the clerks of the district courts of the different parishes of this State are hereby empowered to convene the police

1830,
130, 3
1847,
81 82, 1, 3

Duties of the
presidents of police
juries,

1847,
81, 2

Elections with
regard to police ju-
ries, how conduct-
ed,

Publications
thereto relating,

Regulations re-
lative to elections,
1847

82 4

Where notices of
meetings are neces-
sary,

1818,
72, 7

Compensation of
police jurors,
1818,
72, 5

1818.
72, 2

To whom the
president of the
police jury is to
tender his resigna-
tion,

1847
82, 7

Penalty for failing
to attend. &c.
meeting of the po-
lice jury.

1818
72, 2

Special meetings
how called.

1811.
180, 4
1850.
24, 1

jury in the same manner and for the reasons that the president of said jury could himself do.

POWER TO MAKE REGULATIONS, ORDINANCES, &c.

16. The police juries are hereby empowered to make all such regulations as they may deem expedient :

First. For the police of slaves in their respective parishes, and for the pursuit and apprehension of fugitive negroes, not contrary to the law of this State.

Second. As to the proportion and direction, the making and repairing of roads, bridges, causeways, dykes, levees and other highways.

Third. As to the clearing of the banks of the river and of other navigable streams, for the purpose of securing a free passage for boats and other small crafts, and for the tow lines of the same.

Fourth. As to form and height of enclosures of fences, wherever they may think proper to require the proprietors to enclose any ground.

Fifth. For fixing the time in which cattle may be suffered to rove in the parishes of this State where that custom prevails, so that such roving may not be detrimental to the crops, and for determining what animals shall not be suffered to rove, and in what cases they may lawfully be killed.

Sixth. For the marking, the sale, and distinction of cattle in general, and especially of wild cattle which are not marked, and also of horses and mules, and generally to take any measures concerning the police of cattle in general, in all cases not provided for by law.

Seventh. To prevent and punish trespasses committed by hunters in closes or lands fenced in ; Provided that the fines imposed by the said police juries for such offences shall in no case be less than five dollars, nor shall exceed fifty dollars, to be recovered before any court of competent jurisdiction, on due conviction and for the use of the parish where the offence shall be committed.

Eighth. For regulating the police of taverns and houses of public entertainment, and shops for retailing liquors in their respective parishes.

Ninth. For establishing ferries, and for annually letting them to farm to the highest bidder : and in all the parishes of the State (the parishes of Orleans and Jefferson excepted) they shall have the exclusive privilege of licensing and establishing ferries and toll bridges within their respective limits, of fixing the rates of ferriage and toll to be charged thereon, and of generally regulating the police of the same : Provided, however, that this privilege shall not extend to any ferries or bridges already established, until the expiration of their charters, nor to any ferries or bridges within the control of municipal corporations : Provided, further, that no police jury shall have the right to license ferries for a longer period than one year at one time.

Tenth. For determining the quantum of fines against all such as shall transgress their regulations.

Eleventh. To appoint the officers necessary to carry into execution the parish regulations, and to remove them from office.

Further powers.
1813.
158, 5

1825.
62, 3

62, 1

1813.
158, 5

Powers granted to
the police juries to
establish ferries
and toll bridges.
1850.
31, 1

Manner of letting
out ferries.

Further powers.
1813.

160. 6
1814.
46

17. The police juries shall likewise be empowered within their respective parishes, to cause to be opened again such ancient natural drains as have been obstructed by the owners of the adjacent lands, in a town, suburb, or other place divided into house lots, or when a point of land on the Mississippi or other water course shall be divided among the several proprietors, saving to individuals or persons aggrieved the right of complaining for the making or opening of such natural or artificial drainings, when necessary or hurtful to them, before any court of competent jurisdiction, as in case of a common civil action. To cause any water course which is not navigable to be filled up for the purpose of carrying the public highways over the same: Provided that no injury be thereby occasioned to the neighboring inhabitants. And whenever, on application made by more than twelve inhabitants of a town, suburb or other place divided into house lots, or when a point of land on the Mississippi or other water course, shall be divided among several proprietors, it shall be found necessary to dig one or more common draining ditches, the said juries shall have respectively power to ordain that the said ditches be dug at the expense of the owners of said lots, and that the said expense be borne by a contribution among the said owners, to be levied in such manner as the said juries shall respectively prescribe.

Proviso.
1830.
160, 6

Appointment of
syndics.
1820.
52, 1

18. Parish syndics or other persons appointed to superintend the repairs of roads and levees, or any of them, may be appointed at any of the duly convoked meetings of the respective police juries, by a majority of votes, whatever may be the number of the jurors attending.

Power to establish election precincts.
1846
94,

19. The police juries shall have the power to establish in the parishes of this State, (the parishes of Orleans and Jefferson excepted) such, and as many election precincts as they may deem necessary; Provided, the number of election precincts in each parish shall never be less than that required by existing laws, and that a precinct, once established, shall not be abolished, nor its location changed, except by a vote of two-thirds of all the members elect of the police jury; Provided, further, that there shall at least be one precinct established in each police jury ward as aforesaid.

Court houses, &c.
1813
158, 10

20. The police juries shall be bound to provide a sufficient house for the district courts to hold their respective courts in, together with proper rooms for jurors; and also a good and sufficient jail at such place as the said jury may deem most convenient for the parish at large; Provided, however, that when the seat of justice is established by law, said jury shall not have power to remove the same.

Proviso.

Police juries authorized to bring suits for works done at the parish's expense.
1817
156, 3

21. Whenever any works to the levees, high roads, &c., of any parish of this State shall have been made at the parish's expense, it shall be lawful for the police jury of the said parish to sue any person or persons for whose account the said works or repairs were made, before any court of competent jurisdiction, and to obtain the reimbursement of the said amount by privilege on the land subject to the said works, and the said police jury shall be authorized to sue under their respective name and style, in this

manner: "The police jury of the parish of . . .," adding the name of the parish to which they belong respectively; and shall appoint an attorney at law to represent them in the said suit.

22. The several police juries of the several parishes throughout this State, and the trustees of the several incorporated towns, be and they are hereby authorized and empowered to enact all such ordinances and regulations, not inconsistent with the constitution and laws of the United States nor those of this State, to protect their respective parishes and corporations against the introduction of all and every kind of contagious or epidemical disease or diseases.

Power to enact
ordinances, &c.
1835
162,

23. The police juries of the several parishes of the State situated on the bayous running to and from the Mississippi river, are authorized and empowered to lease or to have leased under their directions and authority, to the bidder for the shortest time, not exceeding ten years, any tract or tracts of land within the limits of their respective parishes, given by the general government to the State for the use of schools, and upon which a levee shall be deemed necessary for its own protection and that of the adjoining lands, from inundation; the only consideration of said lease to be, the making and keeping in repair the necessary levee, by the lessee, for the whole term of his lease. And the said police juries are hereby authorized and empowered to adopt such ordinances as are necessary to carry this provision into effect.

Police jury au-
thorized to lease
certain tracts of
land.
1829
54. 55

24. The police jury in each parish shall appoint a treasurer to receive, keep, and disburse the parish funds.

Appointment of
treasurer.
1813
5,

POWER TO UNDERTAKE IMPROVEMENTS, &c.

25. The police juries are authorized to undertake all improvements which they may deem useful to the community, whether they consist of new roads, bridges, levees or navigation; and the expenses attending such works shall be shared by all the inhabitants and apportioned among them in the manner which shall seem the most just and equal.

Power to under-
take works and im-
provements, &c.
1807
132, 2

POWER TO RAISE REVENUE.

26. The police juries are hereby empowered to make all such regulations as they may deem expedient for laying such taxes as they may judge necessary to defray the expenses of the public works of their respective parishes, and for causing the same to be assessed equally.

Power to impose
taxes, &c.
1813
154. 5

27. It shall be the duty of the assessors of the State taxes, hereafter appointed in pursuance of existing laws, in each and every of the parishes of the State, to furnish to the police juries of the said parishes respectively, one copy of the assessment roll of their respective parishes, within one month from and after the time the said assessment rolls shall be completed and ready for delivery to the different collectors of the State tax. The assessors of each of the said parishes shall be entitled to receive, as a full compensation for making out and delivering the said copies of such assessment rolls, the sum of thirty dollars, to be paid out of the parish treasuries respectively, on warrants signed by the presidents, and countersigned by the clerks of the said police juries respectively.

Assessors of the
State tax to furnish
to each police jury
a copy of the as-
sessment rolls.
1835
143, 1

Compensation of
said assessors.
2,

28. The police jury of each parish may add to the assessment

Powers of taxation granted to police juries.

1847
187. 34

roll such proportionate addition, not exceeding one-third, to the taxes of each person assessed, as may be sufficient for parish purposes; Provided, however, that when a larger proportional amount of the State tax be necessary for the erection of necessary public buildings, construction of public works, the payment of existing debts, or the payment of jurors, the police jury may raise such additional amount on such objects of taxation as are established by law.

Preliminary duties to be performed by police juries before their fixing the amount of taxes to be assessed.

1847
82, 6

29. The police jury of the several parishes of the State, before they shall fix and decide on the amount of taxes to be assessed in their respective parishes for the current year, shall cause to be made out an estimate, exhibiting the various items of expenditures required for said parishes respectively, and cause the same to be published in one newspaper published in the parish, or in such parishes where a newspaper is not published, then by posting up written statements of said estimates in at least three of the most public places in such parishes, at least thirty days before their meeting to fix and decide on the amount of taxes to be assessed as aforesaid.

Powers of police juries relative to the levying of taxes.

1847
82, 5

Restrictions. Exception with regard to police juries in the river parishes.

82, Ibid. 88

30. A vote of a majority of all the members elect of police juries shall be required to levy any parish tax, or to make any appropriation; Provided, that in levying parish taxes the police juries shall levy a uniform per centum on every species of property, trade or profession, on which the State assesses a tax. But nothing in this section shall be so construed as to prevent police juries in the river parishes from levying a special tax on land for the construction and support of levees.

Tax on keepers of billiard tables, grogshops, &c.

1842
440, 11
1813
154, 5

31. The police juries of the different parishes, or part of a parish, having a right to a police jury, have the right to impose whatever parish tax they may see fit on all keepers of billiard tables and grogshops, and on all hawkers, pedlars, and trading boats, all laws or parts of laws to the contrary notwithstanding.

Taxes are a lien and privilege.

1847
172, 39

32. All taxes assessed by police juries on the property of any person or corporation, operates as a lien and privilege on the real property and slaves of such person or corporation so taxed, in favor of the parish for the space and term of two years, and shall be paid by preference to all mortgages and other incumbrances, in the manner provided by law with respect to State taxes.

Power of the collector to collect taxes.

1842.
522.

33. The collector of the parish taxes imposed by police juries, in each parish, shall have the same power to collect and enforce the payment of said taxes that the sheriff has to collect and enforce the payment of the State taxes.

Bonds of collectors, their operation.

1848—1
1847.
1 8—1

34. All bonds given by persons charged with the collection of the parish taxes, shall operate from and after the date of their register, according to law, as a mortgage upon the real estate and slaves of the principal obligor therein, for the full amount for which he may have obligated himself.

Duty of police jury, etc., when the collector fails to pay the taxes collected by him.

35. Whenever any person charged with the collection of any parish taxes, shall fail to pay over the taxes collected by him, within thirty days after he shall have been required to do so by the police jury, or other parochial authority, by a written demand which they shall have caused to be served upon him, by

any constable of the parish, the said police jury, or other parochial authority, shall have the right, on filing in the office of the clerk of the District court, a certified copy of his bond, and the return of said constable, showing the demand made on him, to obtain from said clerk an execution against said collector, for the amount which he may have so collected and failed to pay over, which execution shall have the same force and effect as executions issued by the treasurer of the State, or auditor of public accounts, against any collector of taxes, sheriff or coroner and their sureties, pursuant to the existing laws: and it shall be lawful for the officer to whom such execution may be directed, to seize and sell, according to law, any lands or slaves which may have belonged to the principal obligor at the date of the registry of the bond, without regard to any subsequent transfer or change of title, and in whatever hands the same may be found; and any property sold under it shall be sold for cash, without the benefit of appraisement.

1847.
109, 5.

In what case the property seized is to be sold without the benefit of appraisement.

1847.
109, 5 and 6

LETTING OF FERRIES.

36. It shall be the right of the police jury to have the letting of all ferries advertised thirty days, in each ward of the respective parish; and they shall be let at the court-house in said parish, by the president of the police jury, to the highest bidder for the same: Provided, however, that whenever there is a newspaper published in any parish in this State, such advertisement shall be published in such newspaper.

Advertising for the same.
1850.
32, 2.

37. Where steam is used to propel the ferry-boats, the police jury shall then have the right to lease for the term of five years.

In what case a lease of five years may be granted for ferries.

38. All ferries in this State, on streams that divide parishes, the parishes to and in which such ferry boats ply, shall have concurrent jurisdiction over such ferry, and that complaints for neglect or infractions of the charter granted to such ferries, shall be cognizable by the court of either parish.

1850.
32, 3.
Jurisdiction.
1850.
258.

PRINTER OF THE STATE.

HIS ELECTION, QUALIFICATIONS. &c.

1. A State Printer shall be elected by the two houses of the General Assembly, on the second Monday of each regular session, and the officer then elected shall hold his office for two years.

When the State printer is to be elected, and how long he remains in office.

2. The State Printer shall, immediately after his or their election, enter into bonds, in the sum of five thousand dollars, with good and sufficient security to be approved by the State treasurer, for the prompt and faithful performance of his or their duties; after which the treasurer shall advance two thousand dollars [if required] which shall be accounted for in the progress or final settlement of the printer's accounts.

1847.
68 3
Bonds of State printer.
1846.
22 3
Advance to State Printer.
1836.
9, 3

3. If the State Printer shall fail to give the bond required as provided in the preceding section, within five days after his election, the said election shall be null, and the General Assembly shall proceed to elect another: and in case the printing ordered by the Senate or House should not be done within a reasonable time, the secretary or clerk, as the case may be, shall, upon the order of the Senate or House, be authorized to employ another printer to execute any portion of the work of the Senate or House, and

When another printer may be employed.
1846.
22 5

charge the excess in the account of such Printer, for executing such work, above what is allowed to the Printer, guilty of such negligence and delay ; and it shall be the duty of the clerk or secretary, as the case may be, to transmit said account to the treasurer ; and the treasurer shall deduct, out of any monies due to the State Printer the cost of said printing, which may be due to the printer employed by said clerk or secretary.

HIS DUTIES, &C.

Duty of State Printer:

1836.

8, 1

4. The State Printer shall be bound to perform all the printing, of what nature soever, which shall be necessary to be done, for the use of both branches of the Legislature, of the Executive, Treasury, and Adjutant General's departments; Provided that it shall be the duty of the State Printer, to print and publish a daily newspaper in the English and French languages.

His duties further considered.

1838.

23 2

5. The State Printer shall print each bill, report, or other document that may be delivered to him by the order of either House, in the order in which they shall be numbered and delivered to him, and shall return them in like manner, so that no subsequent number shall be printed and returned, until all previous numbers shall have been first returned, unless otherwise specially ordered by either house of the Legislature.

Printing of all bills, reports or documents.

1838.

24, 4

6. All bills, reports, or other documents which may be ordered for printing, shall be printed and returned to the House which may have ordered the printing thereof, within three days after delivery to the State Printer, unless on motion a longer delay be granted by the House ordering the printing.

Publication of the laws.

1838.

24, 3

7. The Secretary of State, shall, in like manner, number all acts or resolutions, and keep a register thereof, and shall endorse thereon the day on which they may be filed in his office, after receiving the sanction of the Executive ; which acts and resolutions shall be delivered by the Secretary of the State to the State Printer, in the order in which they may be filed in his office, and he shall endorse on the original of such acts and resolutions, the day on which he may deliver a copy thereof to the State Printer, who shall publish such acts or resolutions in the State Gazette in numerical order, as they shall have been numbered by the Secretary of State.

Journals of each day, when to be printed.

1836.

9, 4

8. The journals of each day of both Houses shall be printed in the State paper, within two days after the same shall have been read, and approved of, in each House, under the penalty of twenty-five dollars for each failure ; to be sued for and recovered by the Attorney General, before any court of competent jurisdiction, for the use of the State.

Penalty.

When to deliver the laws, and the journals of both Houses

1836.

9, 3

9. The State Printer shall finish and have ready for delivery the Acts of the General Assembly, and the journals of both Houses, within thirty days from and after the time when copies of the same shall have been delivered to him by the secretary of State, under pain of forfeiting and paying the sum of twenty five dollars for each and every day he shall be in default after the expiration of said time ; to be recovered by the Attorney General, as aforesaid.

Penalty.

10. The State Printer shall, on the first Monday of every month, render a full and true account to the State treasurer, of

all the work done for account of the State during the preceding month, which account shall be affirmed or sworn to as being correct, and in accordance with the manner, mode and rates established by law, when the State Treasurer shall pay said account in full, or he may be at liberty to retain twenty five per cent of the amount of each of said bills until the two thousand dollars originally advanced shall be reimbursed; Provided, however, said accounts shall be subjected to the scrutiny and objections of said treasurer; and after payment, the account thus rendered shall be immediately submitted to each branch of the General Assembly, if in session.

When to render account.
1836.
9, 4

State treasurer to pay account.

Account to be presented to the Legislature.

THE MANNER OF DOING THE WORK, THE COMPENSATION FOR IT WHEN DONE, AND PENALTY FOR FAILURE TO DO IT, &c.

11. The work required to be done shall be performed as prescribed in the following items, and paid for at the prices specified, to wit:

Prices of public printing.
1847.
65. 1

Item 1st. The laws shall be published in the English and French languages, in the same manner as heretofore, the English upon the odd, and the French upon the even page, with a list of the acts, and the date of their promulgation, and an index thereto attached. Said laws shall be printed on good, strong, book printing paper, on long primer type, solid, each page fifty-seven lines long, including running title, white line under it, and foot-line, and thirty ems in width, with the marginal notes in nonpareil, seven ems in width, to be added thereto. The same to be stitched and covered with colored paper, and delivered within the time fixed by law. For which there shall be allowed four dollars per page, for two thousand copies, the number that shall be furnished annually, unless otherwise directed; for every additional two hundred and fifty copies, twenty-five cents per page.

Manner of publishing and printing the laws.

How the laws are to be stitched and covered, when printed.

Two thousand copies to be furnished.

At what rate to be paid for.

Item 2d. There shall be two hundred and fifty copies of the journals of each House, in book form, in the English and French languages, the same manner as heretofore, on minion type, solid, and made up from the journal matter, as published in the newspaper, the pages to be eighty-one lines in length, including running title, white line under it, and foot line; the book to be covered and stitched in the same manner as the laws, and delivered within the time fixed by law, the compensation for which shall be fifty cents per page, including everything: each additional two hundred and fifty copies, twenty-five cents per page.

What number of the journals of each House to be furnished.

Mode of printing them.

How stitched and covered.

Compensation to the printer.

Item 3d. Bills and resolutions shall be printed on foolscap paper, in the English and French languages, unless otherwise directed, on long primer type, or small pica, leaded; to be twenty-five ems long primer, in width, and eighty lines in length, the lines and sections numbered, as heretofore, and worked broad-side; two hundred copies shall be printed of each bill and resolution ordered to be printed by each House; one hundred and forty copies to be furnished to the House of Representatives, and sixty copies to the Senate. For the first one hundred copies or less, three dollars per page, including everything, and fifty cents for every additional one hundred copies.

Manner of printing bills and resolutions

Number of copies to be furnished.

How distributed

Rate of compensation to the printer for the same.

Item 4th. For all reports, documents, or other matter, in book

Manner of printing reports, documents, or other matter, in book or pamphlet form.

Rate of remuneration to the printer.

Rate of remuneration allowed to the printer for the doing of all ruled and figured work.

Blanks, folio post size, whole sheet.

Remuneration for the printing thereof.

Blanks, folio post size, half sheet.

Remuneration.

Blanks, cap size, whole sheet.

Blanks, cap size, half sheet.

Publications in the newspaper per folio.

1847
65. 1

Provision for the non-performance of his duties by the State printer.

1847
68. 2

or pamphlet form, in the English and French languages, for two hundred and fifty copies, in long primer type, one dollar and fifty cents per page, the page to be fifty seven lines in length, including running title, white line under it, and foot line, and thirty four ems in width, and for every additional two hundred and fifty copies, seventeen and a half cents per page.

Item 5th. For all rule and figure work contained in the journals, reports, documents, or laws, one dollar per thousand ems may be charged, in addition to the rate fixed above; and for rule or figure work separately, fifty cents per one thousand ems additional may be charged, which must be distinctly set forth in the bill rendered to the officer whose duty it may be to audit the same.

Item 6th. For all blanks, folio post size, whole sheet, ten dollars per ream; each additional half ream three dollars and seventy five cents; if only a half ream, or less, is ordered, seven dollars and fifty cents shall be paid for it.

Item 7th. For all blanks, folio post size, half sheet, eight dollars per ream; each additional half ream, two dollars and fifty cents; if only a half ream or less, is ordered, five dollars and thirty-seven and a half cents shall be paid for it.

Item 8th. For all blanks, cap size, whole sheet, seven dollars and twenty-five cents per ream; for each additional half ream, two dollars and twenty-five cents; if only a half ream or less is ordered, five dollars and twenty-five cents shall be allowed for it.

Item 9th. For all blanks, cap size, half sheet, six dollars per ream; each additional half ream, one dollar and twenty-five cents; if only a half ream or less is ordered, four dollars and twenty cents shall be paid for the same.

Item 10th. For all matter published in the newspaper, per folio, (the space of one hundred words,) or less, twenty cents for the first insertion, and ten cents for each subsequent insertion.

12. On the failure of the public printer to perform the duty required above, the legislature, if in session, or if during the recess the Governor may consider the office vacant, and the legislature may at once elect a successor for the unexpired term, or the Governor may appoint a successor to serve till his successor shall have been elected by the legislature.

PRISONS.

I.

PUBLIC JAILS OF PARISHES.

Jail in every parish

1813.
158. 10

1846.

Sheriffs the keepers.

1813.
142; 1

Rations to prisoners.

1814.
38; 2 and 3

1. There shall be a good and sufficient jail in each of the parishes of the State.

2. The sheriffs of the different parishes shall be keepers of the public jails in their respective parishes.

3. It shall be the duty of the said sheriffs, jailors, prison keepers, and each and every of their deputies to furnish to each and every prisoner committed under the authority of this State, the following per diem allowance of sound and wholesome provisions, viz: one pound of beef, or three quarters of a pound of pork, one pound of wheaten bread, one pound of potatoes or one gill of rice, and one gill of whiskey, and at the rate of four quarts

of vinegar and two quarts of salt to every one hundred rations ; for which he or they shall be entitled to receive at the rate of thirty cents for every ration, and fifty cents per month for every prisoner.

4. In addition to the nourishment allowed to such prisoners as are confined for crimes and misdemeanors, by the provisions of the preceding section, they shall, at the beginning of the winter season, be allowed each one blanket capot, one shirt, one pair of woolen trousers, and one pair of coarse shoes, and a shirt and pair of trousers of coarse linen for summer ; and one bitt per day shall further be allowed to the keeper of the jail for each and every prisoner who is sick, in order that the said sick prisoners may be taken care of as their situation may require.

Additional allow-
ances.
1817.
206. 3

5. All the expenses incurred for the maintenance and clothing of individuals condemned for the commission of any crime, and of such as are accused of any crimes or misdemeanors cognizable by the District Courts of this State, as also the attendance to be given to such individuals when sick, shall be at the charge of the State, and paid out of the funds in the public treasury, on a warrant issued by the judges of the District Courts respectively, except such expenses as may be incurred in consequence of there being no jail in a parish.

Expenses of main-
taining convicts
and accused per-
sons to be paid,
&c.
1817.
206. 1

6. All like expenses, incurred for the maintenance and clothing of prisoners accused of any crimes or misdemeanors, cognizable by justices of the peace within this State, as also for the attendance to be given to such prisoners when sick, as required by law, shall be at the charge of the respective parishes.

When the same
are paid by each
parish.
1817.
206. 2

7. A physician, duly licensed according to the laws of the State, shall once in every two years be appointed by the Governor and the Senate, to attend on sick prisoners in the jail of New-Orleans, who shall receive an annual salary of twelve hundred dollars, to be paid quarterly by the State treasurer, on a warrant drawn and signed by the Governor of the State, for his services and for medicines, which it shall be his duty to furnish at his own expense.

A physician ap-
pointed to attend
prisoners in New-
Orleans.
1818.
116 ; 2
1837.
Salary.
1820.
88.
1823,
43

8. A physician shall annually be appointed by the police jury in each and every parish, who shall attend such prisoners as are at the charge of the State, whenever they are sick, which physician shall be entitled to receive the payment of his visits and medicines yearly, agreeably to the account by him rendered to the judge of the district wherein the parish is situated ; and the said judge is hereby authorized to draw on the State treasury for said amount ; Provided that no physician shall be employed who is not permitted to practise by the laws of this State, and that the amount of the accounts allowed to any parish physician shall in no case, in any one parish, exceed one hundred and fifty dollars per annum.

Physicians ap-
pointed to attend
prisoners in the pa-
rishes, &c.
1817.
206. 4

Allowance.
1823.
88.

9. The accounts of the jailors and physicians against the State for the expenses relating to State prisoners, shall be attested by the oaths of the claimants respectively, before they can be allowed by the district judges.

Accounts of jailors
and physicians
sworn to before
paid.
1817.
208. 5

10. The police juries in each and every parish of this State shall have power to pass such bye-laws and regulations as they

Police juries to
make bye-laws.

1816.
24, 1

shall deem expedient for the police and good government of the jails and public prisons in their parishes respectively, and to fix the manner in which runaway negroes and such other slaves as may be lodged therein by their owners shall be employed at public works, as directed by the laws relating to slaves.

Powers of the General Council of the city of New Orleans
1840.

11. The powers given in the preceding section to the police juries of parishes shall be possessed and exercised by the General Council of the city of New-Orleans, within the limits of the said city.

Grand Juries shall inspect the prisons.
1814.
38, 3

12. The Grand Juries empanelled in the District Courts are hereby required to inspect the prisons within their respective parishes at each session of the District Courts and make report to the judges of said courts of the manner in which such prisoners are treated; and if any of the said sheriffs, jailors, prison keepers or any of their deputies should be presented by them for not having complied with the provisions contained in the preceding sections, he or they shall be fined in a sum not exceeding two hundred dollars, to be recovered before any court having cognizance thereof.

No debtor shall be kept in jail, unless.
&c.

1820
90, 1

13. No debtor shall be kept in the body of any jail, on mesne process, at the suit of any creditor in this State, unless the said creditor, his agent or attorney at law, shall pay to the keeper of the jail the sum of three dollars and fifty cents a week, to be paid in advance for the use of the said debtor; and in case the said creditor, his agent or attorney at law should fail to pay the said sum in manner aforesaid, then the sheriff or keeper of the jail, is hereby authorized to set the said debtor at liberty.

II.

STATE PENITENTIARY.

Penitentiary at Baton Rouge the State prison. What convicts shall be confined in it.

1834.
100, 2
1834,
99, 1

14. The penitentiary established at Baton Rouge by authority of the State shall continue to be maintained as the State prison; and all convicts sentenced to imprisonment at hard labor by any of the courts of this State having jurisdiction in criminal cases, shall be conveyed by the sheriff of the parish in which the prisoner has been convicted, to the said penitentiary at Baton Rouge, and there delivered to the keeper or keepers of the same, in the manner, and subject to the formalities required by the existing laws, to be detained at hard labor until the expiration of the time for which they have been respectively sentenced.

To be leased.
1844.

41 1

15. The Governor of the State shall lease the said penitentiary on the terms and conditions prescribed by law. No contract or lease shall be for a term to exceed five years.

Board of directors
1844.

42, 6
1850.
97, 2

16. There shall be appointed every two years by the Governor, with the advice and consent of the Senate, a board of directors, composed of five persons, freeholders and citizens of the State, who shall have free access at all times to the prisoners and to every part of the establishment, and who shall meet at least monthly and shall have full authority to superintend said penitentiary; and it shall be the duty of said directors to make annual settlements in the month of January, with the lessees of said penitentiary, and they shall make to the Governor, at least one month before every meeting of the Legislature, a full statement

Annual report
1850.

97, 2

of all the affairs of said penitentiary, to be laid before the Legislature at the first of the session and within the first ten days. And they shall furnish every year to the Governor, in the month of January, and before the meeting of the General Assembly, a full statement of all moneys by them expended.

17. Each member of the board of directors shall receive an annual salary of one hundred dollars, payable quarterly, on the warrant of the auditor of public accounts.

Salary of Directors.
1848
32. 4

18. The board of directors shall elect annually a clerk, whose duty it shall be to keep a record of all the proceedings of the board of directors, the books of the lessee or lessees, and the books of the State, and who shall receive for his compensation an annual salary of one thousand five hundred dollars, to be paid quarterly on the warrant of the auditor of public accounts. The apartments now occupied by the clerk shall be reserved for the use of the clerk to be appointed under the provisions of this section.

Clerk.
1848
32. 3

His duties.

Salary.
1844
42. 5

19. The said clerk shall have free access at all times to all parts of the establishment, and it shall be his duty to keep in books, exclusively under his own charge, and separate from those of the lessee, exact accounts of receipts and expenditures, and the profits and losses arising from each branch of industry pursued in said institution, and to hold his books at all times ready for the examination of the board of directors; and to call the attention of said board, or of the Governor, to any irregularity in the affairs of said penitentiary, or to any thing connected with it, in which the interest of the State may be concerned.

Duties of clerk.
1844
42. 5

20. The said board of directors shall have power to appoint annually, and to fill any vacancies which may occur, one physician for said penitentiary, whose salary shall be six hundred dollars per annum, and one chaplain, whose salary shall be four hundred dollars per annum; said salaries to be paid quarterly to said physician and chaplain, in the same manner as the salary of the clerk.

Directors to appoint physician and chaplain.
1844
43. 7

Their salaries.

21. The duties of the physician and chaplain shall be prescribed by the board of directors, and shall be so performed as to secure constant attention to the health and the moral and religious instruction of the convicts.

Duties of physician and chaplain.
1844
44. 14

22. The convicts shall not be employed without the walls of the penitentiary, unless in the actual and direct service of the institution, in taking in materials for the use of the same.

Convicts, when to be employed without the walls of the penitentiary.
1847
36. 4

23. The convicts in the penitentiary shall be employed in the manufacture of cotton and woolen goods, bagging and rope, coarse negro shoes and bricks; providing, that the foundry may continue in operation, and such wrought iron work be done as may at first be needed to accompany the castings that may be cast therein; and provided further, that nothing herein contained shall be so construed as to prevent the lessees from doing any work that may be necessary for their own use, or for that of the penitentiary.

1844
42. 4

Directions prescribed to the lessees of the penitentiary.
1847
36. 4

1844
42. 4

24. The convicts in the penitentiary whose sentences have been commuted from death to imprisonment, either for life or for a term of years, shall not be permitted to labor in company with the other

Convicts whose sentences have been commuted, to labor alone.

- 1844
43. 8
- Colored convicts
to be kept separate,
&c.
- 1845
28. 1
- 1843
69. 1
- Solitary confine-
ment prohibited.
- 1838
109. 4
- Portion of the
term of convicts
may be remitted.
- 1842
520. 6
- Duty of lessee.
- 1844
42. 3
- Lessee to return
machinery, tools,
&c., in like order
as received, &c.
1847.
36. 5
1844.
43. 10
- Bond and securi-
ties of lessees.
- Share of profits
to be paid to the
State.
- Annulment or
suspension of lease.
1844.
43. 6
- Slave born in the
penitentiary.
1848.
31. 1
- Duty of the clerk
of the penitentiary
and the sheriff of
- convicts, but shall be employed apart from them, and shall be confined and made to labor alone, on the plan in force in the eastern penitentiary of Pennsylvania.
25. All colored convicts sentenced to hard labor, whether slaves or free persons of color, shall be worked separate and apart from the white convicts.
26. There shall be no solitary confinement in the penitentiary, except in order to enforce the police regulations in the same.
27. For the purpose of encouraging exemplary conduct in the convicts, and as a reward for the same, the board of directors of the penitentiary shall have power to remit a small portion of the term of any convict; Provided, it shall in no case exceed two days per month; and provided also, that one month shall intervene between each remission; and a book shall be kept by the clerk, in which shall be recorded a brief statement of the circumstances and reasons of each remission, and the name of the convict, which book is to be submitted to the inspection of the directors, and the committees of the legislature.
28. The lessee or lessees shall bind himself or themselves to take charge of said penitentiary; to conduct it at his or their own expense, in the manner prescribed by law; to give to the prisoners the same rations, clothing and rest as are given by the existing regulations; and to change nothing in the present treatment of said prisoners, unless authorized or directed to do so by the provisions of law, or by the board of directors.
29. An inventory and appraisement shall be made of all the machinery and tools in the penitentiary, and the lessee or lessees shall give his or their receipt for the same, and bind himself or themselves to deliver up to the State all the said machinery in good and perfect order at the expiration of the lease, and also to deliver up the said tools or others in like condition, or to return the same and pay in cash the difference in their value, arising from use or accident, to be ascertained by a like appraisement.
30. The lessee or lessees shall enter into bond in the sum of thirty thousand dollars, with two or more good and solvent securities, to be approved by the Governor and State Treasurer, before exercising or acquiring any rights under any contract of lease, conditioned for their faithful compliance with the stipulations contained in the two preceding sections, and that then the said lessee or lessees shall pay annually into the State Treasury one-fourth of the annual profits arising from said penitentiary, and shall guarantee that the fourth of said profits shall not be less than four thousand dollars per annum, and for any violation of the contract by the said lessee or lessees, the Governor may, with the concurrence of two-thirds of said board of directors, either put an end to said lease or suspend the lessee from his function during a limited period.
31. The issue of any slave confined in the penitentiary for life, born during said confinement, shall enure to the said State, and become the property thereof.
32. It shall be the duty of the clerk of the State Penitentiary, to keep a register of the births in said penitentiary; and when a child born in said penitentiary, and whose mother is a slave, con-

fined for life, shall attain to the age of ten years, the said clerk shall notify in writing the sheriff of Baton Rouge parish, of the name of said child, and of his having attained to the said age; and thereupon the said sheriff shall, after thirty days advertisement in the State paper and upon the court house door in said parish, sell said slave child for cash, pursuant to said advertisement, and pay the proceeds of the sale of said slave to the State Treasurer, to become a part of the free school fund of the State.

Baton Rouge in
certain cases,
1848.
31. 2

33. Whenever it shall happen that there are not a sufficient number of cells in the penitentiary for the accommodation of the convicts sentenced to labor there, the Governor is authorized to make suitable arrangements with the proper authorities for their detention in the jail of the parish of Orleans, until such time as cells shall be prepared for their reception in the penitentiary.

For want of room
in the penitentiary,
convicts to be de-
tained in the jail of
the parish of Or-
leans.

III.

PERSONS COMMITTED UNDER THE AUTHORITY OF THE UNITED STATES RECEIVED INTO THEM.

34. All sheriffs, jailors, prison keepers and each and every of their deputies, within this State, to whom any person or persons shall be sent or committed by the marshal of the district of Louisiana or his deputies under the authority of the United States, whether on civil or criminal process, or upon any process or warrant which may be issued by the President of the United States, or those to whom he may delegate authority for any cause whatever under the laws of the United States, shall be and they are hereby enjoined and required to receive such prisoners into custody, and to keep the same safely, until they shall be discharged by due course of law; and that all such sheriffs, jailors, prison keepers and their deputies, offending in the premises, shall be liable to the same pains and penalties, and the parties aggrieved shall be entitled to the same remedies against them or any of them as if such prisoners had been committed to their custody by virtue of legal process, issued under the authority of this State.

Persons commit-
ted by process from
U. S. court shall be
received in jails of
the State.
1814.
36. 1

35. The said sheriffs, jailors, prison keepers and their deputies shall furnish to each and every prisoner committed as aforesaid, the same rations allowed by law to prisoners committed under the authority of the State, for which rations they shall be entitled to demand and receive from the marshal of the district, the sum of thirty cents for each ration, and fifty cents per month for every prisoner, and the said marshal or his deputies are to have free access to the jails in which any prisoner may be committed as aforesaid for the purpose of ascertaining if the rations as above described are faithfully furnished, and in default thereof, the said sheriffs, jailors, prison keepers, or their deputies, shall be fined in a sum not exceeding two hundred dollars, to be recovered before any court having cognizance thereof.

Rations to pris-
oners.
1814.
38. 2

Marshal, &c, to
have free access
thereto.

RECORDERS.

I.

WHAT ACTS SHALL BE RECORDED, AND THE MANNER OF RECORDING THE SAME.

1. All bonds or securities to be furnished by tutors and curators of minors, persons interdicted, and absentees, pursuant to the

Certain acts to
be recorded.
1813.
206; 1

laws of this State; those to be furnished by the different officers of government, or by persons employed in the public service; all sales of lands or slaves made by any sheriff or other officer, by virtue of any execution, all marriage contracts, made within this State, tending in any wise to convey, transfer, assure or affect the estates of the parties, or being only intended to ascertain the dotal rights of the wife, or that her marriage portion is liable to some reserves or stipulated to be paraphernalia or extra dotal property; all final judgments and awards of arbitrators, confirmed by the judgment, sentence, or decree of any court of competent jurisdiction, shall within ten days after such bond or security is furnished, sales or contracts executed, or judgment, sentence, or decree rendered, be recorded in the manner prescribed by law in the office of the Recorder of Mortgages, as follows, to wit: Where lands or other immoveable property is to be affected, the recording shall be in the parish where the lands or other immoveable estates shall be situated; and when slaves are to be affected, then in the parish where the party whose estate is to be affected shall have his domicile. All marriage contracts made out of this State shall in like manner be recorded within three months after the parties or either of them shall come to reside in this State, or before they or either of them acquire or possess any property in this State which may be affected by such contract.

No notarial act to
affect immoveable
property as to third
persons, until re-
corded in the parish
where it is situat-
ed.

1810.
60; 7
1810.
58; 4
C. C. 3318.
Acts stipulating
mortgage, when to
affect third per-
sons.

1824.
166; 3
C. C. 3279.

2. No notarial act concerning immoveable property shall have any effect against third persons, until the same shall have been recorded in the proper office of the parish where such immoveable property is situated; and no instrument stipulating a mortgage shall have any effect against third persons except from the day on which the same shall have been recorded in the proper office, with regard to immoveables, in the parish where the property lies; and in regard to slaves, in the parish where the debtor has his domicile or usual residence; Provided that nothing contained in this section shall be construed to apply to the legal mortgages in favor of minors, and interdicted, and absent persons, on the property of their tutors and curators, and in favor of married women upon the property of their husbands, which exist without recording.

Books of record
to be kept.
1828.
54; 1
1827.
156; 1

Additional and
separate register.

1810.
2; 3
1824.
164. 1
C. C. 3352; 53

3. The Recorder of conveyances shall open as many records at a time as may be necessary; and the Recorders of Mortgages shall keep three registers as prescribed in article three thousand three hundred and fifty-one of the Civil Code; and all Recorders shall keep an additional and separate register, in which they shall set down from day to day and in the order in which they are received, the titles of the different acts transmitted to them to be recorded, for the purpose of establishing with exactness the time of such transmission. These records and registers shall be numbered at each page and signed on the first and last pages, in the parish of Orleans by one of the judges of one of the District Courts of New Orleans, and in the other parishes, by the District Judge of the District in which it is situated, or two justices of the peace for the parish.

4. The Recorders shall record, according to law, all acts which are presented for recording, in the order in which they are

presented, and without leaving any interval or blank space between them: and they shall deliver to any person requiring the same, a certificate of the recording of any act which may be recorded, or if the same should not exist upon the records, they shall give a certificate to that effect.

Manner in which
acts shall be recorded.
1824.
164; 1

5. The inscription of conventional, legal or judicial mortgages may be made at any time without having recourse to a court of justice, and on the mere presentation of an authentic copy of the act, or judgment giving rise to them. If the mortgage result from an act under private signature, the creditor can only have it recorded after it shall have been duly registered in the office of a notary public, on presenting an authentic copy of the registry, unless the register be acquainted with the signature of the parties, and agrees, on the original act being presented to him, to make the inscription on his own responsibility.

Inscription of
mortgages.
1824
166. 2

6. Recorders of mortgages shall be bound to refuse their certificates to persons whose christian or first names shall not be stated, or whose christian or first names shall be designated by the initial letters alone.

When recorders
to refuse their cer-
tificates.
1827
136. 14

7. Recorders of mortgages are authorized and required to cancel from their records any mortgages for which a release may have been granted by an authentic act, upon the mere presentation of the certificate of the notary public before whom such act was executed, or his successor in office, stating that by said act a release was granted and the erasure allowed; which certificate shall be filed in the office of the recorder of mortgages where such cancelling was asked for.

Recorders to can-
cel mortgages, &c.
1843
105. 1

II.

THE DIFFERENT RECORDING OFFICES.

In the City and Parish of Orleans.

REGISTER OF CONVEYANCES.

8. There shall be appointed by the Governor, by and with the advice and consent of the Senate, an officer with the title of Register of Conveyances for New Orleans, whose appointment shall be renewed every fourth year.

A register of con-
veyances created.
1827
136. 1

9. The said Register of Conveyances shall subscribe before the Governor of the State a bond in a sum of fifteen thousand dollars, with good and sufficient security of two freeholders in the parish of Orleans, for the faithful performance of the duties now imposed upon him by law, or which may hereafter be imposed upon him in the said capacity of Register.

Bond to be sub-
scribed.
1827
138. 4

10. The said Register may appoint a deputy to fill his place in case of indisposition or unavoidable absence; Provided, however, that the said Register shall be responsible for any error that may be committed by said deputy; and that said appointment be made in writing, and be transmitted to the Governor, to be deposited among the archives of the State.

Deputy.
1828
54. 2

11. It shall be the duty of the said Register to keep his office in as central a situation as possible, and in a brick house, and to keep his record book open to the inspection of all persons who may desire to inspect it.

Register, where
to keep his office.
1828
138. 6

12. It shall be his duty to register in a record book, kept by him for that purpose, and duly signed on the first and last pages,

To keep a record
book for acts of
transfer, &c.

- as required by law, all acts of transfer, of immoveable property or slaves, passed in the city and parish of Orleans, which shall be presented to him by the parties, in the very order in which said acts shall have been delivered to him to be registered, and in the following manner: When any acts of transfer of immoveable property or slaves have been passed before a notary public, it shall be sufficient that the registering of said acts be made, on a certificate presented from the notary, who shall have passed said act, and containing, 1st, the date of the act and the place where it was passed. 2nd, the names and surnames and qualities of the contracting parties. 3d, a description of the immoveable property or slaves which have been transferred, with all necessary details. 4th, the price of the transfer, whether paid in ready money or on terms; and in the latter case, what the terms and conditions are.
13. Acts of transfer under private signature shall be recorded at length, and the said register may, if thereunto requested, by the parties, take an acknowledgement of their signatures, which acknowledgement shall be recorded with the said act under private signature.
14. It shall be the duty of all the Notaries of the city of New Orleans, to cause to be enregistered at the office of the Register of conveyances, all acts made and passed before them, and which by law ought to be enregistered in the said office, even when the parties shall agree to dispense with the enregistering, and this under the penalty of being liable for all damages which the parties may suffer through the neglect to enregister the said acts.
15. Whenever a Notary shall neglect to send to said Register an extract of the act by him passed, said Register is authorized, on the production of an authentic copy of said act, to record only an extract of said act, containing the same clauses as are to be contained in the extracts, which notaries are authorized to deliver as hereinbefore provided in the 12th section, and it shall be the duty of the said Register to affix to the act enregistered, a certificate that he has enregistered the same.
16. It shall be also the duty of the Notaries Public of the city of New Orleans, before passing an act of sale, donation, or any other sort of conveyance of real estate or slaves, or also an act of mortgage, to obtain a certificate of the register of conveyances for New Orleans, ascertaining whether it appears on his records that the real estate or slave actually belongs to the person who intends to sell, donate, or otherwise transfer, convey or mortgage the same, and ascertaining also the date of the last conveyance of said real estate or slave.
17. It shall be the duty of the said Register of conveyances for New Orleans to refuse to enregister all notarial acts, which shall not mention the above named certificate.
18. The Register of conveyances for New Orleans shall be entitled to demand and receive for said certificates, the same fees of office which the recorder of mortgages for the parish of Orleans is entitled to demand and receive for certificates of mortgages.
19. Acts of transfer of immoveable property or slaves passed
- 1827
136, 1
- Conveyances, how realized.
1827
136, 2
- Transfers under private signature.
1827
138, 3
- Acknowledged before Register.
1828
94, 4
- Duty of notaries.
1838
17, 1
- Acts recorded by extract.
1828
94, 3
- 1838
17, 2
- What certificate to be obtained previous to the execution of conveyances.
1850
190, 2
- Duty of the register of conveyances.
4,
- Fees of the register.
5,

in the city and parish of Orleans, whether they are passed before a Notary Public or otherwise, shall have no effect against third persons but from the day of their being registered.

Acts not registered to be of no effect against third persons.

1827
138. 5

20. The said Registers shall give certificates of the inscriptions that may have been made, when thereto required, which certificates, when signed by the said Register, and sealed with the seal of office, which it shall be the duty of said register to keep, shall be received in courts of justice in evidence in the same manner as other public acts.

To give certificates
1827
136, 1

21. The said register shall in no wise make any of the inscriptions, nor deliver any of the certificates which by law the register of mortgages in New Orleans has the right of making and delivering. Nor shall he pass any of the acts that notaries public are entitled to pass.

Shall not do any of the acts which belong to the register of mortgages.

1827
138, 8

Cannot make any notarial acts.
10.

22. The said register shall be entitled to the following compensation and no more : for every inscription of acts of conveyance, the inscription of which shall not exceed three hundred words, one dollar ; and for every one hundred words over and above the said number, twelve and a half cents ; for every certificate of inscription or of non-inscription that he may deliver, on a separate sheet of paper, at the request of the parties, fifty cents ; and for each certificate delivered in the copy of an act recorded, fifty cents.

His fees for registering.

1828
94. 5

1827
138, 7 and 8

His fees for certificates.

RECORDER OF MORTGAGES.

23. There shall be appointed every two years a recorder of mortgages for the city and parish of Orleans, who shall furnish to the Governor of the State, a bond, with one or more sufficient sureties, as prescribed in article three thousand three hundred and fifty-eight of the Civil Code.

When appointed.
1813

136, 1

To give bond and security, &c.

24. The said recorder of mortgages shall be authorized, and he is hereby empowered to appoint a deputy, whose duties shall be the same as those of the said recorder ; Provided, that the said recorder and his sureties shall be responsible for the official acts of said deputy.

May appoint a deputy.

1843
29, 1

25. It shall be the duty of the recorder of mortgages to transmit to the auditor of public accounts certified copies of all bonds taken by him from all sheriffs and coroners, within three months after their execution, under penalty of five hundred dollars, to be recovered on motion of the district attorney for the use of the State.

Duty of the recorder of mortgages.

1848

86, 87, 3 and 5

26. The recorder of mortgages shall be the only officer authorized to make the inscriptions of the accounts for paving due to the municipalities of the city of New Orleans, for which a privilege may be given by law, and it shall be his duty to mention in all certificates from his office, the privilege resulting in favor of either of said municipalities, from the recording of said accounts for paving.

To make inscriptions of accounts for paving, &c.

1844

106, 3 and 7

In the other Parishes of the State.

RECORDERS OF PARISHES.

27. There shall be in and for each parish of the State (the parish of Orleans excepted), a public officer, who shall be styled the Recorder. He shall be vested with all the authority, and

Recorder in each parish.

1846.

71. 1

Powers and duties of Recorder.
1807.
22. 16.

he shall exercise all the powers, and perform all the duties that now appertain to the public notaries in general, and shall make all inventories and appraisements within the limits of their respective parishes; and shall receive all wills, and make all matrimonial contracts, conveyances, and generally all instruments of writing, which may be made by the notaries public, and give them due authenticity; and to that effect they shall have a public seal.

Election of Recorder.
1846.
71. 2.

28. Such Recorder shall be elected in each parish, by the qualified electors thereof, at the general election, every four years from and after the general election, in the year eighteen hundred and forty-nine, and shall hold his office for the term of four years, and until his successor shall be duly qualified.

Duties of Recorder.
1846.
72. 7.

29. The Recorder shall be register of conveyances and marriage contracts, recorder of births and deaths, and keeper of marks and brands, and shall also be recorder of mortgages in all of the said parishes except that of Jefferson; and he shall be entitled to the same perquisites and emoluments, as are allowed by the existing laws to officers performing similar duties: and shall be liable to the same responsibilities as are now imposed by law on the officers discharging those duties; provided, that no person shall be under any legal obligation to have a birth or death recorded.

Emoluments.

Qualifications.
1846.
72. 4.

30. No one shall be eligible as Recorder, unless he be a duly qualified voter of the parish for which he may be elected.

Oath.
1846.
72. 5 and 7.

31. The Recorder shall, before entering on the discharge of his duties, take the oath prescribed by the Constitution, which oath shall be received and recorded by the clerk of the District Court for the same parish. The Recorder for the parish of Jefferson shall give bond in the sum of five thousand dollars, and the Recorders for the other parishes in the sum of two thousand dollars, with two solvent securities, who shall be bound with him in solido, and each for the whole amount, in order to secure the faithful performance of his duty. The said bond, to be given by each of the said Recorders, shall be in favor of the State, and shall be executed before the clerk of the District Court of the respective parishes.

Bond.

Where Recorder to keep his office.
1841.
61, 62 2 and 3.

32. The Recorder shall keep his office in the room which shall be appropriated to that purpose at the seat of justice in the parish for which he shall have been elected; and it is hereby made the duty of the police jury of each parish to provide a good and suitable fire proof office for that purpose at the seat of justice of their respective parishes. Every Recorder who shall refuse or neglect to keep his office at the house so constructed or provided by the police jury of his respective parish, and to deposit and keep the archives of his office therein, shall forfeit and pay one hundred dollars per month for each and every month he shall so refuse or neglect to do so: which fine or penalty shall be placed in the parish treasury to the use of said parish. And it shall be the duty of the different District Attorneys of the different parishes, to enquire and ascertain whether the Recorders of the parishes in their respective judicial districts, have complied with the foregoing provisions, and if they have not, then

Forfeiture

Duties of District Attorneys.
62, 4

to institute and bring suit in the name of the parish in the via ordinaria, against such delinquent before the District Court in the parish where the delinquent resides, for the amount of forfeiture or penalty any such Recorder may have incurred; and the several District Attorneys shall be entitled as a compensation for their services in suing and collecting said forfeitures or penalties, to twenty per cent on all sums so collected.

33. The said Recorders shall have power to appoint each a deputy, who shall be sworn by the District Judge, either in open court or at chambers, or by any justice of the peace in the parish, which oath shall be recorded in the clerk's office. The Recorder shall be responsible for the official conduct of his deputy; and such deputy, when sworn and appointed, shall have and exercise all the powers now vested by law in the Recorder, so far as to grant certificates of mortgage, to make and certify copies of acts and records of all kinds in such office, and to receive bonds.

34. Each and every Recorder shall keep his office open from ten o'clock, A. M. to twelve o'clock, M.; and from two o'clock, P. M., to four o'clock, P. M., Sundays, New Year's Day, Eighth of January, Twenty Second of February, Good Friday and the Fourth of July excepted.

35. It shall be the duty of the Recorders to transmit to the Auditor of Public Accounts certified copies of all bonds taken by them from all collectors of state taxes, and sheriffs and coroners, within three months after their execution, under a penalty of five hundred dollars to be recovered on motion of the District Attorney, for the use of the State.

36. Whenever the clerk of a District Court of any parish in this State shall be a party in any marriage about to be celebrated in the parish for which he has been appointed, the license now required by law may be issued by the parish recorder of the parish in which said clerk may reside.

37. In case of the death or resignation of the parish recorder of any parish or a vacancy occurring in the office of recorder in any parish from any cause whatever, it shall be the duty of the sheriff of such parish immediately to order an election after fifteen days notice to hold the election, and make such returns of the same, in the same manner as other elections, for the purpose of electing a recorder to fill the vacancy in such parish, who shall hold the office for the unexpired balance of the term, and until superseded by the recorder who may be elected at the next general election for parish recorder.

38. The person appointed parish recorder as provided for in the preceding section, shall before he enters on the discharge of his duties take the oath and give the bond and comply with all the formalities required in the foregoing section thirty one with respect to parish recorders, and such recorder shall perform all the duties, and be entitled to all the compensation provided by law for parish recorders, and upon failure or neglect of his duties be liable to all penalties and damages resulting therefrom.

RECORDER OF MORTGAGES IN THE PARISH OF JEFFERSON.

39. There shall be elected by the qualified electors of the pa-

His compensation.

May appoint deputies.

1848
87, 1

Recorders responsible for deputies.

Powers of said deputies.

Time during which the Recorders shall keep their offices open.

1848.
88, 2

Copies of all bonds received to be sent to the Auditor.

1847.
102 3
1848.
86, 3

To grant marriage license in certain cases.

1847.
44, 1

Duty of the sheriff when a vacancy occurs in the office of parish recorder.

1850.
254 1

Duties and obligations of the person elected to fill up the vacancy aforesaid.

2

Elections. 1846. 87 1	rish of Jefferson, a Recorder of mortgages at the same time, for the same term, and under the same regulations as are prescribed for the election of parish recorder in said parish, and the Recorder of mortgages shall have all the qualifications required for parish Recorder, and shall give bond in the sum of twenty thousand dollars, payable to the Governor of the State, with two good and sufficient securities, to be approved by the District Attorney of said parish, which bond shall be conditioned for the faithful performance of the duties imposed on him by law, and the payment of such damages as the neglect of his duties might cause to persons injured by his official acts.
Qualifications. Bond. 1840. 97, 2	40. The said Recorder of mortgages shall fulfil all the duties already incumbent or that may hereafter be imposed on the recorders of parishes, acting as recorders of mortgages in their respective parishes and under the same responsibility, and such person shall be entitled to demand and receive the same fees, which are or may be allowed the said recorders for similar services.
Their duties, fees, &c, 1840. 97, 1	41. The Recorder of mortgages of the parish of Jefferson shall be authorized and empowered to appoint a deputy register of mortgages, whose duty shall be the same as those of said Register of mortgages ; Provided, that said Register of mortgages of the said parish of Jefferson, and his securities, shall be responsible for the official acts of said deputy.
May appoint deputy. 1843. 82	

REPORTER

OF THE DECISIONS OF THE SUPREME COURT, AND THE REPORTS.

Appointment of Reporter. 1846. 89. 1.	1. A Reporter of the decisions of the Supreme Court shall be appointed by the Governor, on the recommendation of the Supreme Court, for the term of four years. The said Reporter shall be removable by the Governor, on the complaint of a majority of the Judges of the said Court, for any neglect or misconduct. No person shall be appointed Reporter who shall not, at the time of his appointment, be a citizen of the United States, and of this State, and have been for three years duly licensed to practise law in this State.
Qualifications of Reporter.	2. It shall be the duty of the clerks of the Supreme Court to deliver to the Reporter, or to his order, the original opinions of the Judges of the said Court, as soon as the same shall have been recorded, as required by law, together with the original records of the case. Provided, however, that the original records shall in all cases be returned to the said clerks, as soon as they shall have been used for the purpose of preparing the reports.
Original opinions of the Judges, delivered to Reporter. 91. 20.	3. All cases in which any judgment shall be pronounced, shall be reported, except such as present only questions of fact, or in which damages may be allowed as for a frivolous appeal; but the Reporter shall, at his discretion, report the several cases, more or less at large, according to their relative importance, so as not to increase unnecessarily the size of the volume.
Proviso.	4. The report of each case shall contain: 1st. The title of the case. 2d. The name of the Judge and Court from which the appeal was taken, and when the case was tried by a jury, that fact shall be stated; also, mention shall be made of appli-
Cases reported. 89. 2.	
Contents of each report. 90 4. 89. 2.	

cations for a re-hearing, when important to a proper explanation of the decision. 3d. The names of the Counsel. 4th. Concise notes at the head, or in the margin of each case of the points decided. 5th. A statement of the facts of each case, taken from the record, when necessary to explain the decision of the Court.

5. The cases decided in each year shall form a volume. Each volume shall contain, in addition to the cases so reported, a list of all the cases reported, arranged alphabetically, in the names of the plaintiffs and defendants, and a list of all cases determined within the period embraced by the volume, but not reported, together with a copious index. Each of the said volumes shall be designated by the year which it embraces, and the whole series shall be known as the Louisiana Annual Reports.

Volumes how designated.
89. 3.

6. The reports shall be printed in bourgeois type, leaded, each page to contain, as nearly as may be, two thousand four hundred and fifty ems, exclusive of a margin, in which the title of the case shall be entered; the paper shall be well sized, and equal in quality to that of the second volume of Robinson's Reports.

Printing of reports

7. It shall be the duty of the Reporter to contract on behalf of the State, for the printing and binding, within the State, of an edition of one thousand copies of the said reports, on the terms which he may deem most advantageous to the State; but such contract shall not include the publication of more than one volume, though the Reporter may, after the completion of any volume, renew the contract for a succeeding volume, should he deem it advisable so to do.

Number of copies printed.
90. 6.

8. The Reporter shall require from any person with whom he may contract in the name of the State, for the publication of any volume of the Reports, an accurate specification of the terms of such contract, as to the character of the materials and style of execution of the work, the cost of every part thereof, and the time within which the printing and binding may be required to be completed; and the party with whom he may so contract shall be further required to execute a bond, with such surety as the Treasurer shall deem sufficient, in the sum of three thousand dollars, for the faithful performance of the contract on his part, and for the delivery to the Treasury of every copy of the Reports, over and above the said one thousand copies which he may print, and it shall be the duty of the Reporter to provide in the said contract, that the bond above required shall be forfeited by the failure of the contractor to deliver to the Treasurer the whole number of copies printed by him.

Duty of Reporter on the completion of every volume.
90, 9

9. The Reporter, on the completion of every volume, shall deliver to the Treasurer a detailed bill of the cost of printing one thousand copies, and of binding four hundred copies thereof; which bill, when approved by the Reporter, shall be paid to the contractor for the printing and binding, by the Treasurer, out of any funds in the Treasury not otherwise appropriated.

Duty of Reporter on the completion of every volume.
90, 7.

10. It shall be the duty of the Treasurer to add to the sum so paid for printing and binding of four hundred copies of any volume, the cost of binding the remaining six hundred copies, cal-

Compensation of Reporter.
90; 8

culated at the rate at which the first four hundred were paid for, and the further sum of two thousand five hundred dollars for the compensation of the Reporter; the cost of printing and binding, and the Reporter's compensation, shall be considered as the whole cost of the edition; and each volume of said edition shall be sold at such a price, to be fixed by the Treasurer, as will ensure to the State the reimbursement of the whole cost thereof. The compensation hereby allowed to the Reporter shall be payable quarterly, as are the salaries of other officers of the State, to be calculated from the date of the decisions with which the volume shall begin; and it shall be the duty of the Reporter, unless removed from office, or in case of resignation, to complete any volume which may have been commenced by him.

Edition delivered
to the Secretary
of State.

1846.

90; 5

Proviso.

11. The edition of one thousand copies of the Reports so published shall be delivered to the Secretary of State, four hundred copies well bound in calf, and the remaining six hundred copies in sheets folded; Provided, that any person who shall desire to obtain the Reports before the completion of the annual volume, may, by depositing with the Treasurer the amount which the latter may deem sufficient to cover the probable cost of the volume, to be calculated from such information as he may receive from the Reporter, obtain an order directing the Reporter to furnish him with the volume for the current year in pamphlets of about 100 pages, as soon as the same shall be issued from the press; any volumes so furnished shall be considered as forming a part of the six hundred copies in sheets; and the person advancing any sum for the purpose aforesaid, shall be entitled to receive from the Treasurer as soon as the cost of the volume shall be ascertained, the difference between the amount so advanced and the price at which the volume may be sold.

Distribution of
Reports.

12. It shall be the duty of the Secretary of State to distribute the volumes of Reports hereafter published, as follows: two copies thereof to the clerk of the House of Representatives, and two copies to the Secretary of the Senate, for the use of said Houses: one copy to the Governor, one to the Attorney General, one to the Secretary of State, one to the Treasurer, one to the Auditor of Public Accounts and one to the Surveyor General, for the use of their respective offices; one copy to each of the Judges of the Supreme and District Courts, and one copy to each of the clerks of the said Courts, for the use of their courts respectively; one copy to the library of Congress, one copy to the Attorney General of the United States, and one copy to the Executive of each of the States of the Union.

Appointment of
an agent in New
Orleans for the dis-
tribution of the an-
nual reports of the
Supreme Court.

1850.

179

Compensation al-
lowed to said an-
gent.

13. To facilitate the distribution of the annual reports of the decisions of the Supreme Court, the Auditor of Public Accounts and the State Treasurer are authorized to appoint an agent residing in the city of New Orleans for the purpose of receiving the annual reports, when published in numbers or otherwise, and delivering the same to the subscribers on payment of the price fixed by law, which said agent shall be required to give bond with good and solvent security, in such sum as the Auditor and Treasurer may require for the faithful performance of his duties as

such: Provided the commissions to be allowed said agent shall not exceed two hundred and fifty dollars per annum.

REVENUE.

TO PROVIDE A REVENUE FOR THE SUPPORT OF THE GOVERNMENT OF THIS STATE.

1. An annual ad valorem tax, at the rate of eleven cents on each hundred dollars, shall be levied for the purpose of supporting the Government of this State, to pay the public debt and promote the public interest thereof, upon the assessed cash value of the following objects of taxation.

Annual ad valorem
tax.
1848. 35

PROPERTY SUBJECT TO TAXATION.

2. First, all lands and lots of ground lying within this State, owned or claimed by any person or corporation, whether patented or not, including in the assessment thereof, the value of all houses, fixtures and improvements of every kind or value thereon, or affixed thereto, all machinery, neat cattle, horses and mules, when attached to and used on a plantation or farm.

Objects of taxation
1847.
164, 1

Second. All slaves for life or a term of years, within this State.

Third. All horses, mares, geldings, mules, jacks, jennies, and neat cattle, when not attached to and used on a plantation or farm.

Fourth. All carriages or vehicles, whether with two or four wheels, kept for pleasure, use, or hire.

Fifth. Shares of stock or interest in steamboats, ships, brigs, schooners, and all other water crafts, whether at home or abroad.

Sixth. All money loaned on interest.

Seventh. All capital vested or employed each year in traffic, trade, merchandize, or in any kind of commerce.

Eighth. The capital stock of all banks, and other corporations, doing business in this State, not expressly exempted from taxation by their charters granted by this State.

Ninth. The property, of whatever kind, of all corporations, over and above their capital stock, and all money or funds held by any such corporation in trust or on deposit, or by persons in trust or on deposit, for persons or corporations other than citizens or corporations of this State, and used in trade or commerce for the benefit of such persons or corporations.

PROPERTY EXEMPTED FROM TAXATION,

3. The following property shall be exempted from taxation:

Objects exempted
from taxation.

First. All lands and lots of ground, with their buildings, improvements and structures thereon, and all other property belonging to the United States, to this State, or to any parish in this State.

Second. Town halls, council chambers, market houses, and other public structures and edifices, and all public squares and lots kept open for health, use, or ornament, belonging to any city, town or village in this State.

Third. Colleges, school houses, and other buildings for the purposes of education, with their furniture, apparatus and all other equipments, and the lots thereto appurtenant and used therewith, so long as the same shall be used for that purpose.

Fourth. Public hospitals, asylums, poor houses, and all other

1847 165

charitable institutions for the relief of the indigent and of afflicted persons, and the lots appurtenant thereto, with all their furniture and equipments, so long as the same shall be used for that purpose only.

Fifth. Churches, chapels, and other public buildings for religious worship, with their furniture and equipments and the lots of ground appurtenant thereto and used therewith, so long as the same shall be used for that purpose only.

Sixth. Cemeteries and grave yards, set apart and used for the purpose of interring the dead.

Seventh. The capital stock of all literary institutions and library associations, and public lyceums.

Eighth. All mechanics' tools, implements of husbandry, fire arms, wearing apparel, private library and household furniture.

1846. 39

Ninth. Any lot of ground that may be ceded by the Council of Municipality number one of New-Orleans to the United States, shall be exempt from any state, parish or municipal tax; Provided, that upon the lot of ground so ceded, the said United States erect a custom house and other public buildings; and any custom house or other public buildings erected upon any lot of ground ceded by the said municipality to the United States, shall remain forever free from any state, parish or municipal tax.

Certain property
of the United States
exempt from
taxation.

1848. 26

Tenth. So much property as has been acquired, or may be acquired by the government of the United States within the State of Louisiana, to establish a naval depot below the city of New-Orleans, shall be exempted from the assessment or payment of any tax to this State, or to any body corporate within the same, so long as said property shall be used for the purpose of a naval depot.

PERSONS, TRADES, PROFESSIONS AND OCCUPATIONS, SUBJECT TO TAXATION.

4. There shall be levied and collected an annual tax :

Capitation tax.
1847. 165.

First. From each free white male inhabitant of this State, over the age of twenty one years, not attached to the army or navy of the United States, the sum of one dollar, which shall be appropriated exclusively for the support of free public schools in the parishes in which the sum is paid.

Attorneys, physicians,
druggists, &c
1848. 26

Second. From each attorney and counsellor at law, physician, surgeon, dentist, apothecary or druggist, notary public, practising or pursuing their respective professions, the sum of seven dollars.

Public houses,
boarding houses,
&c.

Third. That the tax on hotels, taverns or boarding houses, shall be graduated pro rata to the number of boarders that they are prepared to accommodate therein, at the rate of fifty cents per annum for each lodger; Provided, that no hotel, tavern or boarding house shall pay less than seven nor more than sixty seven dollars per annum. From each and every keeper of restaurant, twenty dollars; of a coffee-house, bar room or grog shop, the sum of sixty seven dollars; and of a brewery or beer shop, where no spirituous liquor is sold, seven dollars.

Fourth. From each proprietor or keeper of a billiard table, not kept for the exclusive use and play of the owner and his

family, fifty dollars for each table ; and of a nine or ten pin, or bowling alley, ten dollars for each alley.

Billiard tables
bowling allies.

Fifth. From the manager or lessee of every theatre, two hundred dollars : and of each circus, or amphitheatre, or menagerie, or cock pit, one hundred dollars ; or race course, fifty dollars.

Theatres, cockpit,
race course. &c.

Sixth. From each and every person who brings and introduces, or causes to be brought into this State, slaves for sale, hire, or exchange, or who shall keep slaves for sale, or the agent of any such person, three hundred dollars.

Negro traders.

Seventh. From each pedlar or hawker, who peddles or carries goods, wares, merchandize, or groceries, for sale through the State, in a boat or other water craft, sixty seven dollars ; in a four or two wheel vehicle, thirty-four dollars ; on horseback, ten dollars ; on foot, seven dollars ; and from any pedlar or hawker who sells the same on stalls, either in the streets, market, or on the levee, seventeen dollars ; or on board of any flatboat, barge, steamboat, ship or other vessel at the wharf, or in the port of any city, town and village, or at any other landing, sixty seven dollars.

Pedlars and hawk-
ers.

5. But nothing in the foregoing shall be so construed as to extend to any boat or boats laden exclusively with the produce of the soil and manufacture of our sister States, for sale, such as pork, bacon, lard, beef, tallow, flour, grain of every kind, whiskey by the barrel, farming utensils of every kind, pottery and crockery, brooms, castings, candles, soap, cheese, butter by the firkin, potatoes, fruit of all kinds, beans, and all kinds of seeds, and tobacco ; and that it shall be lawful for every person or persons trading down the Mississippi river, in any kind of boat loaded with said produce, to land at any point on said river and sell without paying the license mentioned in the foregoing section ; Provided he complies with all the laws now existing, made and provided on this subject ; Provided, however, no such flatboat or boats shall lay longer at any one landing than ten days, without incurring the obligation of paying the license enacted by the seventh part of the preceding section.

What persons
trading down the
Mississippi are ex-
empted from paying
the license required
by the State.

1848

114—130

Proviso.

Eighth. From each and every wholesale merchant or trader, twenty dollars ; and from each retail merchant or trader, ten dollars. Persons who sell both by wholesale and retail, shall pay the tax of a wholesale merchant ; and every member of a commercial firm, whether he reside permanently or temporarily out of this State, shall pay the same tax as the resident partner.

Merchants, whole-
sale and retail.

1848

Ex. Sess.—35

Ninth. From each and every keeper of a storage warehouse, furniture store, livery stable, carriage warehouse, ten dollars.

Keepers of certain
stores.

Tenth. From every person engaged in re-pressing cotton for shipment, twenty dollars.

Repressers of
cotton.

Eleventh. From each and every broker, acting as agent between buyer and seller, for a per centage or other consideration in the sale of real estate, slaves, stocks, promissory notes, drafts, checks, &c., seventeen dollars ; and from each produce broker, merchandize broker and freight broker, seventeen dollars ; and from each and every pawn broker and lender of money on deposit, sixty seven dollars.

Brokers and lenders
on deposit.

Factors, commis-
sion merchants, &c.

Twelfth. From each and every factor and commission merchant or agent, twenty dollars; from each and every exchange dealer, money-broker, sixty-seven dollars.

State insurance
companies.

Thirteenth. From each and every insurance company, incorporated by the laws of the State, and transacting an insurance business therein, three hundred and thirty-four dollars; provided, they have not paid a bonus to the State.

Foreign insurance
companies.

Fourteenth. From each and every foreign insurer or insurance company, not chartered by the State, and transacting an insurance business herein, or the agents thereof; from each and every foreign banker, or the agent thereof, seven hundred dollars.

Unlawful to do
business before the
payment of the
aforesaid taxes.
1850.
139. 42.

6. It shall not be lawful for any person or corporation to pursue, carry on, practise, or follow, any of the trades, professions, or occupations taxed by law, before paying the tax levied thereon, and obtaining a license therefor, and each and every license shall expire on the thirty-first of December, in the year in which it was obtained.

Duties of collec-
tors, if the taxes
are not paid.
1850.
139. 43.

7. If any person or persons, corporation or corporations, shall neglect to take out and procure his, or their license or licenses, as provided in the foregoing section, within ten days from the first day of January of each year, or within ten days from the time of commencing the business on which a tax is laid, unless the person engaged therein be temporarily absent, and then within ten days after his return, one hundred per cent shall be added to the amount which such person or persons, or corporations, would have been liable to pay, and it shall be the duty of the collector of the parish, or collection district, in which such person or corporation resides or transacts his business, to proceed immediately to the seizure and sale of the goods, wares, chattels, rights, and credits, of any person or persons, corporation or corporations so neglecting, to pay the amount of the tax by him or them due, and the costs of the seizure and sale: Provided, that the said collector shall give ten days notice of the sale of said goods, wares, chattels, and effects, by posting said notice in three public places of his respective district or parish, as the case may be, and provided also that the said collector shall be allowed the same fees as are now allowed by law to sheriffs for similar services, to be paid out of the goods, wares, chattels and effects, thus seized and offered for sale.

Notice to be given
when property is
seized, and to be
sold for taxes.

Fees of the col-
lectors, in such
cases.

Blank licenses to
be procured from
the auditor by the
collectors
1850
140. 44.

8. Each tax collector shall procure from the auditor of public accounts, as many blank licenses, for trades, professions, and occupations, bearing the signature of the auditor, as there may be or may be likely to be, persons in his parish or district, pursuing the taxed trades, professions, and occupations, and for that purpose, shall present to the auditor a list of such licenses as may be required, and receipt for the same, within the first two months of every year, under the penalty of one hundred dollars, recoverable and appropriated as in the preceding section.

TAX ON SALES BY AUCTION.

Rates of duties
to be paid on all
objects offered for

9. All lands, tenements, houses, ships, vessels, slaves, or any interest therein, which shall be sold at public auction, or vendue, or at private sale, within this State, by any auctioneer, (except

such as are or may be exempted by law), shall be subject to a sale. duty of one-half of one per centum, and all other effects and articles whatever shall be subject to a duty of one-half of one per centum, of the value or price at which the same shall be sold as aforesaid, to be paid by the person who shall sell the same, each and every time the same shall be so sold.

TAX ON SUCCESSIONS FALLING TO FOREIGNERS.

10. Each and every person, not being domiciliated in this State, and not being a citizen of any State or territory in the Union, who shall be entitled, whether as heir, legatee, or donee, to the whole or any part of the succession of a person, deceased, whether such person shall have died in this State or elsewhere, shall pay a tax of ten per cent. on all sums, or on the value of all property which he may actually receive from said succession, or so much thereof as is situated in this State, after deducting debts due by said successions. When the said inheritance, donation or legacy consists of specific property, and the same has not been sold, the appraisement thereof in the inventory shall be considered as the value of such property.

ELECTION AND QUALIFICATION OF ASSESSORS.

11. In every parish of this State, except the parishes of New Orleans and Jefferson, there shall be elected by the qualified voters of each parish, one assessor of taxes in and for said parish.

12. There shall be elected in like manner one assessor in and for the city of Lafayette, by the qualified voters therein, and another assessor for all other parts of the parish of Jefferson by the qualified voters thereof.

13. For the city of New Orleans there shall be elected by the qualified voters thereof, three assessors of taxes in and for said city. The assessors of the city of New Orleans shall, on the first Monday of January next after their election, proceed to procure an office in a central part of the city of New Orleans, and shall constitute themselves into a board of assessors of the city of New Orleans; they shall proceed to apportion the duties of assessing the property of persons within the limits of said parish among themselves so as to make the duties as nearly equal as may be.

14. For that portion of the parish of Orleans on the right bank of the Mississippi river, there shall be elected one assessor by the qualified voters thereof.

15. The election of assessors shall be held at the same time and at the same places with the elections for members of the General Assembly, and they shall hold their offices for two years.

16. Every assessor, before he enters upon the duties of his office, shall take and subscribe the oath prescribed by the constitution, and shall give bond and security in the manner prescribed by law relative to the bonds of tax collectors and other public officers, in the sum of five hundred dollars, conditioned for the faithful performance of his duties.

OF THE PLACES WHERE PROPERTY IS TO BE ASSESSED.

17. Property shall be assessed in the district or parish in which it may be situated; the assessment roll shall contain in separate columns the quantity of land in each tract or lot, the quantity un-

1842.
97. 11.
1842.
434. 2.

Tax on foreign
legatees, heirs and
donees.
1842.
434. 4

One assessor in
every parish, ex-
cept the parishes
of Orleans and Jef-
ferson.

1847.
164.
1850.
132, 1
Election of Asses-
sors in the city of
Lafayette and the
parish of Jefferson.

1848.
132, 133, 10 and 11.

1850.
132, 2
Election of As-
sessor in the par-
ish of Orleans.

1850.
132, 3
1850.
133, 4

When such elec-
tions shall be held.
1850.
133, 5

Oath of the As-
sessor.

1847.
168. 10
1850.
133, 6.

Bond and secu-
rity to be given.

Manner of ma-
king the assessment
rolls.

1847;
168, 11

1850.
133, 7

cultivated, and the quantity respectively cultivated in cotton, cane, rice and corn.

Who are to be considered as non-residents.

18. All lands not owned by a person residing in the parish or district where the same are situated, shall be denominated lands of non-residents, and shall be assessed as hereinafter provided.

1850.
133, 8
Plantation divided by the boundary line of two parishes—where assessed.

19. When the line between two parishes or districts divides a plantation or tract of land, the same shall be assessed, if occupied, in the parish or district where the occupant resides; if unoccupied, each part shall be assessed in the parish in which it shall lie.

1847
168, 13
1850
133, 9

Where persons are to be assessed for personal or moveable property.

20. Every person shall be assessed in the parish or district where he resides, when the assessment is made for personal or moveable estate, and slaves owned by him, including all such personal estate in his possession or under his control as tutor, curator, executor, agent, or other representative or fiduciary capacity, unless such personal or moveable estate or slaves be attached to and upon a plantation, in which case it shall be assessed in the parish where it may be.

1847
168, 14
1850
133, 10

Real estate of incorporated companies, where assessed.

21. Real estate of all incorporated companies liable to taxation, shall be assessed in the parish in which the same may be, in the same manner as the real estate of individuals.

1850
133, 11
Personal estate of incorporated companies, where assessed.

22. All the personal estate of every incorporated company, liable to taxation, shall be assessed in the parish or district where the principal office, or place for transacting the financial concerns of the company shall be, or if the company have no principal office or place for transacting its financial concerns, then in the parish where the operations of the said company shall be carried on, or its agent or agents shall keep their place of business.

1847
169, 16
1850
133, 12

OF THE MANNER OF ASSESSMENT AND DUTIES OF ASSESSORS.

Time allowed to the assessors for completing their list of taxable persons, and taxable property.

23. The assessors elected in each parish shall proceed by diligent enquiry, between the first Monday of April and the first Monday in October in each and every year, to ascertain the names of all the taxable inhabitants of their respective parishes, whether taxable for licenses or on property, or both, and also all the taxable property, real and personal, within the same, and shall deliver their assessment rolls to the parish recorder or municipal council, as the case may be, by the first Monday of October in each year.

1848
131, 4
1850
133, 13

Duties of the board of assessors in the city of New Orleans.

24. The board of assessors of the city of New Orleans, shall from time to time revise and fix the valuation of the property that may be assessed from time to time by each of said assessors composing said board, and shall make a separate assessment roll for each representative district of the city of New Orleans.

1850
134, 14

Assessors authorized to interrogate upon oath.

25. Each and every assessor, in order to aid him in ascertaining the taxable property within his parish, is hereby authorized and required to interrogate upon oath, in every instance, each and every tax paying inhabitant of his parish, in the following particulars: First, the number of slaves in his possession, with a description of them by age and sex: Second, all the objects of taxation described by law, liable to taxation in his possession, or under his control in any manner; and the said inhabitant is hereby required to furnish the assessor with an exact list of such objects of taxation in his possession, by whatever title he may hold the same, which said lists he shall deposit with the assessment rolls.

1847
169, 18
1850
134, 15

List which is to be furnished by persons liable to taxation.

26. The said oath or affirmation shall be in the following words: "I, A. B., do solemnly swear or affirm that the foregoing list by me made out and signed, contains a correct statement of all the objects of taxation as fixed by law, whether moveable or immoveable, corporeal or incorporeal, of which I am possessed, either in my own right, or as executor, tutor, curator, trustee, administrator or agent for others, and that the capital of every kind by me employed in trade does not exceed the sum of—dollars, according to the assessment list which has been exhibited to me, so help me God."

27. All real and personal estate, liable to taxation shall be estimated by the assessor at its full cash value, and in case of doubt as to the value of said real and personal estate, or at the demand of the owner of the same, the assessor shall be required to call to his assistance three freeholders, residing in the vicinity, to assess the same; and all incorporeal property shall be valued according to his best information.

28. In case the owner or occupant be absent, reside out of the parish, or is unknown to the assessor, and does not appear within the proper time, to render a list of his property, as before provided in section 25th, it shall be assessed and valued by the assessor according to his best information.

29. If a tract or lot of land or other property shall be omitted in the assessment of any year, or series of years, the same, when discovered, shall be assessed by the assessor for the time being, without interest.

30. The Auditor of Public Accounts shall furnish to the assessors in each parish or assessment district, an assessment roll, in which shall be set down, in separate columns, the objects of taxation, as fixed by law, the number of acres of land owned by each individual, and the number of acres cultivated by him in sugar, cotton, rice and corn. The assessment roll shall contain additional columns for sugar, molasses, cotton, rice, and corn; and it shall be the duty of the Assessors, in making their assessment, to set down, in its appropriate column, the quality of sugar, molasses, cotton, rice, and corn, made by each and every plantation during the past year.

31. Where a person is assessed as tutor, curator, executor, agent, or in right of his wife, or any other representative capacity, he shall be assessed as such, with the addition to his name of his representative or fiduciary character; and such assessment shall be carried out in a separate line from his individual assessment.

32. The lands of non-residents shall be designated in the same assessment roll, but in a part thereof separate from the other assessments, and in the manner prescribed hereinafter.

33. If the land to be assessed be a tract or lot which is known by a name, or if the owner's name be known, they shall designate it by those particulars, and by its boundaries; if it have no name, or the name be unknown, and if the owner's name be unknown, they shall designate it by boundaries alone; provided, that in all cities, towns, or villages, it shall be the duty of the assessors to designate the number of the lot or lots, according to

Form of the oath:

1847
169, 19
1850
134, 16

Manner of estimating property.

1847
169, 20
1850
134, 17

Manner of assessing property when the owner is absent or unknown.

1847
169, 21
1850
134, 18

Omissions in the assessment roll, how provided for.

1850
134, 19

Duty of the Auditor of Public Accounts.

1847.
170; 23
1850.
134; 20

Assessment roll.

1843.
65, 4

How persons in a representative capacity are to be assessed.

1850.
135; 21

Lands of non-residents, how designated.

1850.
135; 22

Manner of designating lands in general

1847,
170, 26
1848—Ex. S.
37; 5
1850.
135; 23

Particular duties
of assessors.

the plan of the said cities, towns or villages, or according to the plot or plan of the squares, designating by what particular plot or plan; and provided also, that if no plot or plan is known of any city, town, or village, or square within the same, it shall be lawful for the assessors to describe the same by the boundaries of the streets within which the same are situated, giving in all cases the dimensions of the lot or lots, and designating by what name the street or streets on which the said lot or lots shall front.

Description and
valuation of lands.

1847.
170; 27
1850.
135; 24

34. They shall set, in a separate column, the owner's name, if known, the description of the tract or lot, and the valuation, as directed in the case of other lands: and shall place in separate columns, whether the same be in cities, towns, or villages.

How Assessors
are to proceed
when the owner
of taxable prop-
erty is absent.

1848.
37, 6
1850
135; 25

35. In case the owner or occupant, or agent, of the property subject to tax, be absent when the assessor may apply for a list of his property, it shall then be the duty of the assessor to leave a written or printed notice of his application with some free person over the age of fourteen years, requiring the attendance of such absent person at some convenient time and place, in the parish or assessment district, to be designated in said notice, with his or her list of property, and in case of his or her failure to attend at such time and place, the said assessor shall proceed as hereinafter described.

Duty of the As-
sessor when a per-
son refuses to give
a list of his prop-
erty.

1848.
132, 5
1847.
170; 29
1850.
135; 26

36. If any person shall fail or refuse to give in a list of his property, after the assessor has applied for the same, as above provided, the assessor shall assess the property of said person according to his knowledge, and the best information he can obtain in relation thereto.

Three copies of
the assessment roll
to be made by the
assessors.

1848.
132; 5

37. The assessors shall complete three fair copies of their assessment roll on or before the first Monday in October in each and every year, and shall affix to each a certificate under their hands and seals, to be certified by affidavit to be taken before any justice of the peace, in the following words: "I, A. B. do solemnly swear or affirm, that I have set down in the above assessment roll the names of all taxable persons residing within and all the real estate, slaves, and other taxable property, situated and being in the parish or district (as the case may be) according to the best of my information, and that I have assessed the same at what I believe to be the cash value, and that said assessment roll contains a true statement of taxable personal estate of each person named in said roll, as ascertained by the affidavit of such persons, and that I have in all cases when practicable interrogated on oath or affirmation each person marked in said rolls, and assessed for property in the form provided by law.

Affidavit of the
assessors to their
assessment rolls.

1850.
136; 27

38. The assessment rolls thus certified by affidavit, shall on or before the first Monday in October, be delivered by the board of assessors in the city of New Orleans, to the recorder of the municipality in which the district assessed may be situated, and for that part of the parish of Orleans, on the right bank of the river Mississippi, to the justice of the peace of that district, and by the assessors of all the other parishes in this State to the parish recorder, and the respective officers with whom said rolls shall be lodged, shall state the date and time of their being lodged upon the said rolls; and the said assessors and board of assessors,

To whom the as-
sessment rolls, cer-
tified by affidavit,
are to be delivered.

1848.
132, 6
1850.
136. 28

Notice to be giv-
en by assessors to
allow persons ag-
grieved to correct
errors.

shall immediately give notice by advertisements, posted in at least two public places in each district or parish, that they have lodged their assessment roll with the recorder of the municipality, justice of the peace, or parish recorder, as the case may be, in order that any person aggrieved by such assessment may appeal and have the same corrected, if found incorrect.

39. Any person conceiving himself aggrieved by any such assessment, may, within thirty days after the same shall have been delivered and advertised as required in the preceding section, make an appeal in writing, stating particularly the correction desired, and on proof of the fact the said municipal recorder, justice of the peace, or parish recorder, as the case may be, shall have full power and authority to correct such error or errors, and make the roll correspond thereto; and if any omissions are discovered, or errors in the additions are found, the same may also be corrected.

Remedy reserved
to parties aggrieved
by the assessment
1848.
133. 12
1850.
136. 29

Assessment roll
how corrected.
1848.
133. 12

40. After the expiration of the thirty days, during which the said municipal recorder, justice of the peace, or parish recorder, may hear and determine objections, and make corrections to said assessment roll, the said municipal recorder, justice of the peace or parish recorder, shall cause to be set down in an additional column in each of said copies, the amount of taxes assessed to each tax payer, as State taxes, and in another column the amount assessed to him for parish purposes; they shall retain one of said copies among the records of their offices, and shall forward one of said copies to the auditor of public accounts, and issue one to the appropriate tax collector of the parish of Orleans, or of their parish as the case may be, with a warrant under their hands and seals, commanding said collector, to collect from the persons named therein the sums assessed to them as the amount of taxes to be paid by them: Provided, they shall not issue said warrants for collection, nor deliver the roll to any person who may have been previously charged with the collection of public money, until such person shall exhibit a discharge from the proper officer of the State; the amount of the rolls thus delivered shall be a charge against the collector, which he shall be presumed to have collected at the period when he shall be required by law to make his final settlement with the State Treasurer; and for the services required of the parish recorder by this section, he shall receive such compensation as the police jury may determine.

Duties of the
municipal recorders
and justice of the
peace in the parish
of Orleans and of
the parish recorders
in the other parish-
es.

Additional column
which is to be set
down in each of the
aforesaid copies of
the assessment rolls
Distribution of
the aforesaid copies.
Persons unqualified
to collect public
money.
1850.
136. 30

Compensation
allowed to parish
recorders.

41. Every assessor who shall fail to deliver his assessment roll by the time specified in section 38th, or to perform any other duty required of him, shall be deemed guilty of a misdemeanor in office, and on conviction thereof shall forfeit the commission allowed to him by law, and shall be discharged from office, and any member of the Board of Assessors established by this act failing to perform any of the duties undertaken by him shall also forfeit his commission for the benefit of his associates, and shall be discharged from his office.

Penalty inflicted
on the assessors
for not fulfilling
their duties.
1850
137. 31

42. The several assessors, or Board of Assessors aforesaid, shall receive annually as a compensation, three per centum on the amount of State taxes on property, and one per centum on the amount of taxes on trades, professions and occupations, to be

Compensation
allowed to the
assessors.
1850.
137. 42

paid in the manner provided by law, after the copy of the roll to be lodged with the auditor shall have been received by him; Provided, said compensation shall not be less than two hundred dollars, and the amount of compensation to which said board of assessors may be entitled shall be divided equally among the members thereof, and said compensation to be paid on the warrant of the several assessors, and of the Board of Assessors.

Manner in which assessors shall set forth the unavoidable causes which may have prevented them from completing their assessment rolls, and from making the returns thereof in time.

1850.
137. 33

On proof of the same, they retain their right to their compensation.

43. Any assessor of the State taxes who has failed, or who may hereafter fail, from any unavoidable cause to make his assessment or his return thereof, within the time required by law, shall present his affidavit of that fact to the municipal recorder, or justice of the peace of the parish of Orleans, or to the parish recorder, as the case may be, setting forth what those unavoidable causes were, which statement shall be certified to be true by two witnesses of the parish, and upon completing the assessment, and making the return of the same according to law, he shall be entitled to receive the compensation allowed him by law, in the same manner as if the assessment and return had been made within the legally required time, and it shall be the duty of the municipality recorder, or justice of the peace of the parish of Orleans, or parish recorder, to grant him his warrant accordingly, which warrant shall be accompanied by the affidavit aforesaid; and if the affidavit shall set forth unavoidable causes of failure, then the auditor of public accounts shall allow the assessor the amount of said warrant.

Manner of providing for vacancies in the offices of assessors

1847.
172. 38.
1850.
138. 34.

44. If any person, elected or appointed to the office of assessor, shall fail to give bond and security, according to law, before he shall have entered upon the duties of his office, or refuse to serve, or die, or remove out of the parish before he shall have completed the duties of his office, or shall be disabled from entering upon or completing the duties of his office by sickness or otherwise, the General Council or parish Recorder of the parish, as the case may be, shall forthwith appoint an assessor for the unexpired term of office of said assessor, who shall give the like security and be subject to the like duties and penalties as the person in whose place he was appointed, and receive the like compensations. But such appointment shall not discharge the former assessor or his sureties from any liability incurred by them.

Instructions to be given by the auditor of public accounts to the assessors.

1847.
172, 40.
1850.
138, 34.

Taxes assessed constitute a lien on real property.

1847.
172, 39.
1850.
138. 35.

45. The several assessors shall pursue the forms and follow the instructions that may, from time to time, be transmitted to them by the auditor of public accounts, in the execution of their duties.

46. Taxes assessed by this act on the property of any person or corporation, are hereby declared a lien, and privilege on the real property and slaves of such person or corporation so taxed, said lien to date from the first day of April of the year for which the taxes may be assessed, any alienations thereof, or incumbrances thereon, notwithstanding, and shall be paid by preference to all mortgages and other incumbrances, and shall exist in favor of the State and parish, for the respective amount of taxes assessed for each, for the space and term of two years.

ELECTION, QUALIFICATION, AND DUTIES OF TAX COLLECTOR.

47. The sheriff of each and every parish of this State, except the parish of Orleans, shall collect the State tax for said parish,

Sheriffs to be tax collectors, except in the parish of Orleans.

48. In the city of New Orleans, the qualified voters of municipalities No. One, No. Two, and No. Three, shall each, elect one tax collector in and for each of aforesaid municipalities; and the qualified voters of that part of the parish of Orleans, on the right bank of the Mississippi, shall elect one tax-collector, said collectors shall be elected at the same time with the sheriffs and assessors, and shall hold their offices for two years, and until their successors are qualified.

1847.
172. 41.
1850.
138. 36.
Election of tax collectors in the parish of Orleans.
1850.
138, 37.

49. The several tax-collectors and sheriffs who collect taxes, shall, each year, before they commence the discharge of their duties, give bond and security to the satisfaction of the parish recorder, and three members of the police jury of the parish, to be designated by the Recorder; and, in the city of New Orleans, to the satisfaction of the recorder, and the finance committee of the council of the municipality in which the tax collector's district may be situated, and for that part of the parish of Orleans, on the right bank of the Mississippi river, to the satisfaction of the justice of the peace in and for that district, together with three members of the police jury of the same district, to be designated by the president of the police jury; and in the parish of Jefferson by the Recorder and three aldermen of the city of Lafayette, to be designated by the Mayor, in a sum which shall be the full amount of taxes levied, according to the tax-roll of such parish or district for State purposes, except in the parishes of Orleans and Jefferson, in which parishes the bond shall be for one-third of the amount of the assessment rolls delivered to each collector, conditioned for the faithful performance of his duty as tax-collector, and for the just and full payment of all sums for which he may become legally liable, and which bond shall be payable to the Governor of the State, and his successors in office, and shall be retained by the parish recorder, and by him recorded as prescribed by law; and a duly certified copy thereof shall be transmitted by such recorder to the auditor of public accounts within three months; and in the city of New Orleans, and in that part of the parish of Orleans, on the right bank of the Mississippi, the municipal council or justice of the peace, as the case may be, shall transmit such bond or bonds to the Recorder of mortgages in and for the parish of Orleans, and city of New Orleans, who shall record the same as prescribed by law, and shall transmit to the auditor of public accounts, certified copies thereof.

What bond is to be furnished by the tax collectors.
1848.
131. 2.

1850.
138. 38.

Aforesaid bonds how recorded.

Copies thereof to be transmitted to the auditor of public accounts.

Duty of the recorder of mortgages for the parish of Orleans.

50. All bonds given by the collectors of State taxes and by persons charged with the collection of State taxes and parish taxes, shall operate as a legal mortgage on all the lands, slaves, and real estate of each collector of taxes, in favor of the State, for the amount of State taxes, and for the parish for the amount of parish taxes.

Operation of the bonds to be given by tax collectors.
1847.
173. 46.
1848.
85. 1.
1850.
139. 39.

51. In case any sheriff or collector of taxes shall fail, refuse, or neglect to give bond and security, as above required, on or before the first Monday of January in each year, his office of col-

In what cases the offices of collectors of taxes are to be considered vacant.

1848.
131, 3.
Manner of providing for said vacancies.

1850.
139, 40.

Duties of police juries.

1850.
139, 41.

Penalty incurred by police juries neglecting to perform their duties,

Manner in which collectors shall proceed to the collecting of taxes,

1848.
Ex. S,—38, 7

When said collection is to begin and to end,

1850.
140, 45

Written notice to be served on persons neglecting to pay their taxes.

1847.
173 48
1850.
140, 46

Proceedings against persons failing to pay their taxes.

1847
173, 48
1850.
140, 46

lector shall be deemed vacant, and such vacancy shall be filled by the General Council, or the parish Recorder of the city or parish, as the case may be; but such appointment shall not exonerate the former collector or his securities, for any liability incurred by them.

52. It shall be the duty of the police jury of each parish to meet on the first Monday of January of each year, for the purpose of receiving the bond of the tax-collector of their respective parishes, and the certificate of the proper returning officer of the parish shall be sufficient evidence of such collector's holding the office. Every member of the police jury who shall not attend at such meeting in consequence whereof the meeting shall fail, shall be fined in a sum not less than fifty, nor more than two hundred and fifty dollars, to be sued for by the district attorney of the parish, for the use of the free public schools of said parish, unless he should be prevented from attending by unavoidable causes.

53. Every collector in the country parishes, upon receiving the tax lists and warrants, shall proceed to collect the taxes therein mentioned; for that purpose, he shall give notice to each taxpayer resident in the parish, of the amount of taxes due by such taxpayer; and every collector in the parish of Orleans shall, by twenty days' publication in a newspaper published therein, in English and French, for judicial advertisements, give public notice of the place at which he will be present, from the hours of ten A. M. to two P. M., for the purpose of receiving payment from all persons indebted for taxes, which collection shall begin on the first day of February and end on the first day of August of each year; after which delay, the property of any person, whether resident or non-resident, who shall have omitted or neglected to pay his taxes, shall be dealt with as hereinafter provided; and it shall be the duty of every collector in the country parishes, and in the city of New-Orleans, to add to the list of assessment, and cause to be assessed by two property holders, any property or taxable object omitted in said list, and he shall proceed to collect the tax due thereon, after having obtained a special written authorization therefor, from the auditor of public accounts.

54. If any person shall, after notice is given in the country parishes, and public notice given through the newspaper in the parish of Orleans, as provided in the preceding section, fail to pay or cause to be paid the amount assessed to him for taxes, it shall be the duty of the collector to direct to him a written notice to be left at his usual place of abode or served in person, that unless he shall pay the amount of said taxes within thirty days from the service of said notice, he will proceed to collect the same by seizure and sale of his property.

55. If any person, after thirty days notice in writing, shall fail to pay or cause to be paid the amount assessed to him, at the time and place agreeably to the notice given, the tax collector shall proceed to collect the same by seizure and sale of the property.

56. Whenever any collector of taxes for the parish of Orleans

or Jefferson shall, after reasonable diligence on his part, be unable to serve a legal notice on any person owing taxes on the assessment roll, or to find his usual place of abode, in order to leave such notice in writing, it shall be his duty to publish such notice in the manner prescribed in section 53rd, for the same time that notices are now required to be given in other cases, and this publication shall be held to be sufficient notice to authorize the said collector to proceed to the collection of the taxes under said notices, as is now required in cases provided for by law.

57. In case any person shall refuse or neglect to pay the taxes assessed on him, for thirty days after said notice, it shall be the duty of the collector to seize the goods and personal property and rights and credits of said person and expose the same at public auction, after due notice given, as in case of sheriff's sales, and in case there cannot be such property found, or the proceed of such sale should not be sufficient to pay the taxes due by such persons, the collector shall have power to seize and sell at public auction, the land of said person so assessed, or so much thereof as may be necessary to pay the amount of the tax and cost, giving at least thirty days previous notice of the time and place of sale, as is before provided, and in case such lands should not bring the amount of taxes assessed to such person, it shall be the duty of the said collector to buy the same for the State, and no law exempting property from seizure, shall apply in case of seizure for State taxes.

58. The tax collectors of the several parishes shall transmit to the auditor of public accounts a list of all such lands as may be sold by them for taxes, specifying the person whose taxes they were sold to pay, the date of sale, and the purchaser.

59. The several tax collectors, shall proceed on the first Saturday of November, in each year, to sell at the courthouse door of their parish, or in the parish of Orleans, in some public place of resort in the city of New Orleans, as the case may be, the real estate upon which the taxes and charges shall not be then paid, after due notice given, as is required by the preceding section of this act. If the property seized sell for more than the tax and charges, the surplus shall be returned to the person to whom the property belonged, when the seizure was made; Provided, that, in all cases of sales of lands for taxes, it shall be sold to whomsoever will pay the tax and costs thereon for the least amount of land offered, the land so offered to be specified at the time of sale.

60. The following compensation and fees are hereby allowed to collectors for collecting the taxes levied on the assessment rolls, to be computed on the sums actually collected and paid into the treasury, viz: On the first three thousand dollars and under, ten per cent; on all sums above three thousand dollars, not exceeding the first ten thousand dollars, five per cent; on all sums above ten thousand dollars, three per cent; for collecting of licenses, three per cent, to be computed on the amount collected and paid into the treasury; for every seizure one dollar and fifty cents, and for every sale one dollar and fifty cents, to be paid out of the proceeds of said seizure and sale; for every notice, as re-

When unable to find the persons so to be notified, the notices to be published, &c.

1847.

174. 49

1850.

140. 47

Manner of seizing and selling the property of persons neglecting to pay their taxes.

1847.

174. 49

1850.

140. 48

A list of the lands sold for taxes to be transmitted to the auditor of public accounts.

1847.

174. 50

Time and place when the property seized is to be sold.

1850.

141. 49

Surplus to be returned to the owner.

Proviso.

1848—Ex. Ses.

38. 8

Compensation and fees of the tax collectors.

1848—Ex. Ses.

38. 9

1850:

141. 50

quired by the act notifying tax payers, the sum of twenty-five cents, to be paid by the party so notified.

In what cases collectors may be credited by the auditor for a certain amount due on taxes assessed.

1847.
174. 53
1850.
141. 51

61. Whenever any collector of taxes shall make it appear, to the satisfaction of the parish recorder of his parish, or the recorder of the municipality of the city of New Orleans, within which said collector's district may be situated, or the justice of the peace for that portion of the parish of Orleans situated on the right bank of the Mississippi River, that any person assessed for taxes within his parish, or assessment district, has become an insolvent, or left the parish without leaving sufficient property to pay the taxes, or that property has been erroneously assessed, the said parish recorder or municipal recorder, or the justice of the peace for that portion of the parish of Orleans situated on the right bank of the Mississippi River, shall certify the same to the auditor of public accounts, with the list of the persons so taxed, and the amount due; and for which amount the auditor of public accounts shall credit said collector.

Sale of the lands of non-residents for taxes.

1847.
174. 54
1850.
142. 52

62. In all cases where lands are assessed as belonging to non-residents, the tax collectors of the several parishes shall proceed to sell such lands on which the tax is not paid, in the manner hereinafter provided.

Lists of lands liable to be sold, to be sent to the auditor.

Manner of proceeding against non-residents.

Duties of the auditor and of the tax collectors in relation to the same.

1848—Ex. Ses.
39. 10
1850.
142. 53

Advertisement of the property to be sold,

63. The collector shall cause to be made out and forwarded, on the first day of September, of each year, to the auditor of public accounts, a list or statement of the lands of non-residents so liable to be sold; and it shall be the duty of the auditor, upon the reception of said lists, to notify all persons owning lands in the parishes thus returned, in the State paper and in a newspaper in the parish, in which the land is situated, if any paper be published therein, for thirty days, in French and English, that if their taxes are not paid to the collectors of the said district or parishes, within thirty days after the expiration of the advertisements, the property will be sold; and it shall be further the duty of said collectors to cause the said property to be advertised, describing the property and stating the name of the person, if known, to whom it is assessed, as is required by law in cases of sheriff sales.

Property advertised to be sold without appraisement,

1848—Ex. Ses.
39. 11

To be bought by the State in certain cases,

Proviso,

Duty of the collector in case the property should sell for more than what is due on it.

1848—Ex. Ses.
39. 12

Duties of the auditor of public accounts where lands are not redeemed in time,

1850,
142. 54

64. The collectors shall offer the property thus advertised to be sold, without the benefit of appraisement, and for cash; and in case the amount of taxes and charges due thereon be not bid, the collector shall buy the same for the State; Provided, that in case the property be sold for more than the costs and charges, the collector shall take an overplus bond from the purchaser in favor of the owner, conditioned that if the property is not redeemed as hereinafter provided, within two years, by the owner, from the day of sale, the said purchaser binds and obligates himself to pay to the owner of the property, his heirs or assigns, the amount of such overplus bond; said bond or bonds to be returned by the collector to the auditor of public accounts, to be by him held in his official capacity, in trust for the owner; and the said bond or bonds shall bear a special mortgage on the property thus sold; which mortgage shall be inscribed according to law at the expense of the purchaser, and the overplus bonds herein authorized to be taken shall be immediately transmitted to the auditor of public accounts to be by him held for the term of two years for and on account of the owners

of said lands, and if the said lands be not redeemed according to the following section within two years, then the said auditor shall proceed to collect the amount of said bond and deposit the proceeds thereof in the treasury of the State, in trust for the benefit of the owner of said lands.

65. The collector shall give to the purchasers of any lands sold by him for taxes, a certificate in writing, describing the lands purchased, the sum paid, and the time when the said certificate shall have the force and effect of a deed, and shall transmit to the auditor of public accounts a list of all such lands sold, and of such as may be bought for the State.

Certificate to be given by the collectors to persons buying lands sold for taxes.

1847
175, 58
1850
142, 55

66. The owner of any tract or lot of land, or of any share of any lot or tract of land sold for taxes, or any creditor or agent of the owner may redeem the same at any time, within two years after the day of sale, by paying to the purchaser, or the treasurer of the State for the use of the purchaser, his heirs and assigns, the sum paid in cash, with interest at the rate of twenty per cent. per annum, on the amount so paid in cash, as well as the amount of taxes paid for State, parish or municipal taxes, while the purchaser was in possession, or if the land be purchased on account of the State, the amount of taxes that would have accrued to the State if the said lands had not been so purchased.

Mode of redeeming property sold for taxes.

1847
175, 59
1848
Ex. S. 39, 13
1850
142, 58

67. If no person shall redeem such lands within two years, the said certificate shall, at the expiration thereof, operate in favor of the purchaser, his heirs and assignees, in the name of the State, as a conveyance of the real estate so sold, which shall vest in the grantee an absolute estate, subject to all claims which the State or parish may have thereon, for all taxes or other liens or incumbrances; and such certificate to be a good and valid title after that time, shall be acknowledged, proved and recorded, as all other sales of immoveable property at judicial sales, and have the like force and effect.

Lands sold for taxes not redeemable after two years.

1847
175, 60
1850
143, 57

68. The receipt of the treasurer, stating the payment, and showing particularly what land such payment is intended to redeem, shall be evidence of such redemption.

Evidence of the redemption of lands.

1847
175, 61
1850
143, 58

69. The several collectors of State taxes, in making their returns to the auditor of public accounts, of monies collected for State taxes to be paid into the treasury, shall state in such return the amount collected respectively for taxes on lands, slaves, and other objects, &c., for taxes levied for school purposes, and also the poll tax.

Duty of tax collectors in rendering accounts, &c.

1848
63,
1850
143, 59

70. Within the first five days of each and every month, it shall be the duty of each and every tax collector in and for the parish of Orleans and parish of Jefferson, to have their respective accounts settled for all taxes collected or monies received during the preceding month, and to pay the same over to the State treasurer; and for that purpose, the said collector shall make and transmit to the auditor of public accounts a statement whether they have or have not collected any taxes or licenses within the preceding month, and with an oath taken and subscribed appended thereto, that the same contains a faithful account of all taxes collected and amounts received, if any, from licenses to persons pursuing trades, professions and occupations: and it shall be the duty of

Monthly settlements of the collectors of taxes in the parishes of Orleans and Jefferson, with the auditor of public accounts.

September and December settlements of the collectors of taxes in the country parishes.

1850

134, 60

Statement on oath.

Final payments to be made by the collectors into the State treasury.

1850

143, 61

Penalty incurred by collectors for failing to make their final payments.

1848

40, 15

1850

143, 62

Proceedings against them.

Fees to district attorneys.

1850

144, 63

Provision for the collection of arrears of taxes.

1818

194, 9

1850

144, 64

Monied or stock corporations liable to taxation.

1850

144, 65

Statement to be furnished to assessors, &c., by officers of corporations

1847

176, 68

1850

144, 66

the several sheriffs and collectors of State taxes, in all the other parishes of the State, to have their accounts settled, and to make payments and statements in like manner twice a year, within the first five days of the months of September and December, for all taxes collected and monies received for licenses for the preceding term.

71. On or before the thirty-first day of December, annually, the several tax collectors shall make their final payments into the treasury, for the taxes on property and on trades, professions, and other objects due in said year, and if said collectors shall neglect so to do, they shall be considered defaulters, and shall be proceeded against as hereinafter provided.

72. If any collector shall fail or neglect to make his final settlement, as provided for in the preceding section, and pay the amount due into the treasury, and obtain the treasurer's receipt therefor, he shall forfeit the commission allowed to him by law, and interest at the rate of two per cent. per month on the sum withheld, to be computed from the time the same ought to have been paid until actual payment; and the auditor of public accounts shall charge such delinquent accordingly, and immediately after such delinquency shall occur, shall require the district attorney of the district wherein such tax collector may perform his functions, to proceed against such tax collector and his sureties by rule before any competent court, after three days notice, for recovery of the amount due by said tax collector; said suit shall have precedence on the docket of the court wherein it may be instituted over all other causes.

73. The district attorney collecting money by virtue of the proceedings, contemplated in the preceding section, shall receive two and a half per centum on the amount thereof as a compensation for collecting and paying the same into the State treasury.

74. When there are arrears of taxes in any parish, the Auditor of Public Accounts may transmit a detailed account of such arrearages of taxes to the collectors of taxes for the time being in the parishes where such arrearages exist; and it shall be the duty of such collector to collect the same, as by law he is authorized to collect the tax of his parish or district.

MANNER OF ASSESSING AND COLLECTING TAX UPON CORPORATIONS.

75. All monied or stock corporations, whether their incorporations have been granted by this State, or any of the United States, or by a foreign government, shall be liable to taxation, (if not exempted by a charter granted by this State) in the manner hereinafter prescribed.

76. The president, cashier, secretary or agent of every such company shall, on or before the first day of March in each year, make and deliver to the assessors, or one of them, of the parish in which such company is liable to be taxed, according to law, a written statement, specifying under oath:

First. The real estate, if any, owned by such company, when the same is situated within the State.

Second. The capital stock actually paid in, and not vested in real estate.

Third. The place of its principal business, or where its principal operations are carried on, or in which it is liable to be taxed.

77. Assessors shall enter all such incorporated companies from which such statements shall have been received by them, and the property of said companies, and the property of all other incorporated companies liable to taxation in their respective parishes, or districts, in their assessment rolls, in the following manner.

Corporations, &c.,
to be entered on the
assessment roll.
1850.
144; 67

78. In the first column they shall enter the name of the company liable to taxation on its capital, or otherwise; in the second column the quantity of real estate owned by the company, and situated in their parish; in the third column, the actual value thereof, estimated as in other cases; in the fourth column, its capital stock paid in and its value, (to be ascertained by the assessors by the sales of its stock, or in any other manner,) and not vested in real estate situated within this State, and there belonging to it; in the fifth column they shall put the aggregate value for which said company is liable to be taxed, which value, thus ascertained, shall constitute the amount on which the tax of such corporations shall be levied, except as is provided for by law.

Manner of making the
entry.
1847.
177; 70
1850.
144, 67

79. When the company is not incorporated in this State, but is doing business through an agent, the said company shall be subject to all the provisions of the preceding sections, except that it shall not be assessed on its capital stock, but shall be assessed on all its property owned or held or due in this State, whether the said property consists in real or personal estate, money, bills of exchange, bonds, notes or accounts, or other evidences of debts.

Manner of assessing companies not
incorporated in this
State, but doing
business in it thro'
an agent.
1847.
177; 70
1850.
145; 68

80. The collector shall demand payment of all taxes assessed on incorporated companies, from the presidents, cashiers, secretaries or agents, or other officers of such companies, and if not paid, shall proceed to the collection and payment thereof in the same manner as in other cases, and shall be liable to the same penalties for non-payment of monies collected by him.

Manner of demanding the pay-
ment of taxes due
by corporations.
1847.
177; 71
1850.
145; 69

COLLECTION OF TAX ON SALES BY AUCTIONEERS.

81. Every auctioneer in the city of New-Orleans and in the parish of Jefferson shall make out in writing a quarterly account, dated on the last days of March, June, September and December in each year, and shall therein state minutely and particularly:

Duties of auction-
eers in the parishes
of Orleans and Jef-
ferson.
1839.
104. 8

First. The sums for which any goods or effects shall have been sold at every auction held by him from the date of his last quarterly account.

1850.
145 70

Second. The days on which sales were made, and the amount of each day's sale.

Third. The amount of all private sales made by himself or any of his partners, on commission, and the days on which such sales were made.

Fourth. The amount of the duties chargeable on all the sales, public or private, mentioned in the account.

82. Every such account, within ten days after the day on which it is dated, shall be exhibited to the Auditor of public ac-

Auditor of public
accounts authoriz-
ed to audit in New

Orleans the ac-
counts of the auc-
tioneers of the pa-
rishes of Orleans
and Jefferson.

His fees for so
doing.

1839,
104. 9
1850
145 71

Oath.

Payments to be
made by auction-
eers into the State
treasury.

1839.
104. 9
1850.
146. 72

Accounts of
auctioneers out of
the parishes of Or-
leans and Jefferson
how settled.

1850.
146 73

Affidavit.

1839.
106 10
1850.
146, 74

When Auctioneers
shall forfeit their
licenses, &c:

1848.
97, 12
1850.
146, 75

Duties and liabili-
ties of the represen-
tatives of persons
who are not citi-
zens of the United
States and who re-
side out of this
State.

1850.
146, 76

counts who is hereby authorized to audit in the city of New-Orleans, the account of any auctioneer of Orleans and Jefferson, and to charge a fee of five dollars therefor, and every auctioneer exhibiting an account shall take the following oath before the auditor, and auctioneers of the rest of the State shall take said oath before any justice of the peace of the parish in which said auctioneers are authorized to exercise their functions :

"I do solemnly and sincerely swear that the account now exhibited by me, and to which I have subscribed my name, contains a just and true account of all the lands, slaves, goods and property of every description, sold or struck off at public sale or sold by me at private sale, on commission, whether subject to duty or not, and of the days upon which the same were respectively sold ; that I have examined the entry of all the sales mentioned in said account, in the book kept by me for that purpose, and fully believe this account to be in all respects correct : and further, that I have, during the time therein mentioned, conformed in all things to the true intent and meaning of the laws regulating sales by auctioneers, according to the best of my knowledge and belief."

83. Such oath shall be reduced to writing, be endorsed on the account, and be subscribed by the auctioneer taking it ; and every auctioneer of the parishes of Orleans and Jefferson, within ten days after he shall have exhibited his account as aforesaid, shall pay for the use of the State, into the treasury thereof, the duties accrued on the sales mentioned in the account.

84. The auctioneers throughout the State, those in the city of New-Orleans excepted, shall settle their accounts with the Treasurer annually.

85. Every auctioneer who, within the period limited for his accounting, shall have made no sales, public or private, of any property, real or personal, liable to auction duties, shall make and subscribe an affidavit of those facts before the Auditor, or justice of the peace as the case may be, who shall transmit such affidavit to the State treasurer.

86. Any auctioneer who shall neglect to pay into the State treasury the duties required by law upon auction sales made by him, shall forfeit his license ; and in case he refuses to return the same, the Auditor of public accounts shall give public notice in the newspaper published by the State Printer of the cause for which the license of said auctioneer has been forfeited, and that his license is withdrawn from him.

COLLECTION OF TAX ON SUCCESSIONS FALLING TO FOREIGNERS.

87. Every executor, curator, tutor, or administrator, having the charge or administration of succession property, belonging in whole or in part to a person residing out of this State, and not being a citizen of any other State or territory of the United States, shall be bound to retain in his hands the amount of the tax imposed by law, and to pay over the same to the State treasurer, or to the officer appointed by the State treasurer ; in default whereof every such executor, tutor or administrator, and his securities shall be liable for the amount thereof.

88. It shall be the special duty of the clerks of courts to see that the tax imposed by law be collected and paid over ; and

each of said clerks shall be bound to furnish to the Auditor, once a year, a statement or list of the successions opened in his parish, whereof persons who are neither residents of this State, or citizens of any other State or territory in the United States, are heirs, legatees, or donees, in whole or in part, and of the amount accruing to such persons, and any clerk failing to furnish such statement or to comply with the provisions of the laws relative to vacant successions, shall be subject to a fine not exceeding five hundred dollars, for each and every omission, and shall be responsible to the State for the amount due.

Special duties of clerks of courts, with regard to a list of successions.

Penalty for their violating the provisions of this section.

1850
146 77

ROADS.

In all the Parishes of the State, except those on the Mississippi River, below the mouth of Red River, on the West side, and East Baton Rouge on the East side.

WHAT ARE PUBLIC ROADS.

1. All roads in this State that have been opened, laid out, or established, by virtue of any act of the Legislature heretofore made, or by virtue of an order of any of the police juries in their respective parishes, are hereby declared to be public roads, as also all roads made on the front of their respective tracts of land by individuals, when the said lands have their front on any of the rivers or bayous within this State.

What are Public roads.

1818.
54. 1.

2. Any individual through whose land the police jury shall have caused a road to be laid out, which should thereafter be considered as public, as above stated, shall be entitled to claim a just compensation therefor, whenever he shall not have received the same.

Compensation to owners of land.

1.

HOW PUBLIC ROADS ARE ESTABLISHED, LAID OUT, ETC.

3. All roads to be hereafter opened and made, shall be laid out by a jury of freeholders, consisting of not less than six inhabitants of the parish, where the said road is to be made, which jury shall be appointed for that purpose by the police jury, who order the said road to be laid out; and it shall be the duty of the said jury of freeholders, to trace and lay out such road to the greatest advantage of the inhabitants, and as little as may be to the prejudice of inclosures, which laying out and such damage as any private person may sustain, shall be done and ascertained by the same jury on oath, which oath shall run in these words: "I, A. B. do solemnly swear, that I will lay out the road now directed to be laid out by the police jury of the parish of _____, to the greatest ease and advantage of the inhabitants, and with as little prejudice to inclosures as may be, without favor or affection, malice or hatred, and to the best of my skill and knowledge, so help me God."

Jury to trace roads and ascertain damage, &c.

2.

Oath.

4. All damages assessed by the said jury to any individual through whose land the said road may run, shall be deemed a parish charge, and paid by the treasurer of said parish, on a warrant signed by the president of the police jury; provided, however, that nothing in this section shall be construed to give a right to any individual to claim damages for the laying out of a road along the front of his land, according to the former customs existing in this State; provided, also, that nothing herein

Proviso.

Appeal to the
district courts.

shall be so construed as to affect in any manner, the rights of individuals to any batture or alluvion already formed, or which hereafter may be formed on the front of any tract of land which lies on any navigable river or water course, within the limits of this State, nor to prevent any owner of the soil on which a public road shall pass, to resume the use and possession of such soil whenever the said road shall have been abandoned by the public, or shall have been transferred elsewhere, with the consent of the owner, and with that of the competent authority; and provided that whenever any individual through whose land a road laid out as aforesaid shall pass, may be dissatisfied with the decision of the freeholders laying out the same, either as to the course the same is to take, or the damages to him assessed, he may have an appeal to the district court of the parish in which said road lies, provided he prosecute the same at the next session of the said court ensuing the date of the laying out of the said road, or the assessment of said damages; and the district courts throughout this State are hereby authorized to take cognizance of the said appeals and decide thereon, and no appeal shall be set aside for want of form in the bringing the same before the courts; and the district judges may issue injunctions to stay proceedings on said cases, when they may think the case may require the same.

Roads so laid out,
public roads, etc.
3.

5. All roads so laid out shall be deemed public roads, and shall be at least twenty-five feet wide, and when to the overseers of roads it may be deemed expedient to make or repair causeways, on the said road, they shall be at least fourteen feet wide, and the earth necessary to raise or cover such causeway shall be taken from each side of the causeway equally, and so as to form a drain on each side of the same. And the overseers of public roads are hereby directed to have completely cut and cleared all stumps for the width of sixteen feet in the centre of the highways under their care, of which width necessary bridges through swamps and over small runs, creeks or streams, are hereafter directed to be made.

Police juries au-
thorized to contract
for building bridges,
etc.
4.

6. In the parishes through which pass bayous or other considerable water courses, which from their width or depth, or the rapidity of their current, require bridges, the building and support of which would be too expensive to be provided for by a tax on the inhabitants, it shall be lawful for the police juries thereof, if it be deemed necessary, to contract with undertakers to build such bridges or expensive causeways, for and in consideration of tolls upon individuals, horses, carriages and animals passing on the same, at such rates, and for such a number of years as may be agreed upon and stipulated between the said police juries and the said undertakers, which said tolls so agreed upon and stipulated, each police jury in such cases is hereby authorized and required to impose and establish, to be granted unto

To impose tolls.

Penalty for not
keeping in repair.

the builders of the said bridges or causeways, their heirs and successors, for the building thereof. The said bridges or causeways shall be built under the direction of the said police juries, and the said builder or builders, his or their heirs and successors, shall keep the same in constant repair, at his or their sole ex-

pense, in default of which, on conviction, they are hereby declared to forfeit all right and title to the toll allowed by the police jury; Provided, however, that nothing contained herein shall be construed so as to authorize the construction of any bridge over a navigable water course, so as to obstruct the navigation thereof.

APPOINTMENT OF OVERSEERS OF PUBLIC ROADS, THEIR POWERS, DUTIES, ETC.

7. It shall be the duty of the police juries in the different parishes, to divide their parishes into as many districts as they may think proper for the appointment of overseers of roads; and the said overseers, when appointed, shall have authority to call out the free white persons and negroes to work on the roads, only within their respective districts.

Division of parishes into districts.
13.

8. The several police juries throughout this State shall annually appoint overseers of the highways or roads, who shall summon all male persons from the age of fifteen to forty-five, (except such persons as are or shall be exempt from public services by the Legislature of this State,) to meet at such places and times as to them, the said overseers, shall seem convenient, for the repairing or making such roads, excepting such as may send two slaves or other two sufficient hands to work on the public roads; and whosoever shall, upon such summons, refuse or neglect to do and perform their duty, shall forfeit and pay the sum of one dollar per day for each person so neglecting or refusing, to be recovered by judgment before any justice of the peace of the parish, and paid by the said justice to the overseer, and by him to be expended in having other hands to work on said roads.

Appointment of overseers of roads, etc.

To call out white persons, etc.
5.

9. It is hereby declared to be the duty of each overseer appointed as aforesaid, to call and summon each owner of slaves, (or overseer of each plantation, in the absence of the owner,) to send all the men slaves in their possession between the age of fifteen and forty-five, to work on the road, at such time and place as the said overseer of roads shall in such notification point out; and each and every person refusing or neglecting to send their slaves, as aforesaid, shall forfeit and pay the sum of one dollar per day for each slave so failed to be sent, as aforesaid, to be recovered by judgment before any justice of the peace of the parish, and paid by the said justice to the overseer of roads, and by him to be expended in hiring other hands to work on said roads: Provided, however, that no overseer shall have a right to call out any free person or their slaves, to work on the said roads more than twelve days in each year.

To call on owners of slaves, etc.
6.

Penalty for not obeying summons, etc.

10. All persons owning slaves subject to work on roads, shall, under a penalty of fifty dollars, furnish a list on oath, of the number of hands owned by him within the road district in which said slaves are subject to work, when required by the overseer of said road district.

Owners to furnish list of slaves.
1837.
49, 3.

Penalty for not doing so.

11. Any person refusing to serve as an overseer on any road, agreeably to the order and appointment of the police jury of the parish in which he resides, shall forfeit and pay the sum of one hundred dollars, to be recovered by and in the name of the president of the police jury of the said parish, before any court of com-

All persons bound to serve as overseers of roads, if appointed one year in three.
1818.

54, 7.

1842.
1.

petent jurisdiction: Provided, however, that no person shall be compelled to serve as overseer of any road in his parish, more than one year in three; and provided, also, that the overseer shall give notice to each free person, and the masters, mistresses or overseers of slaves, what kind of tools they and each of them shall bring and work with on the roads, at the time of summoning, and that the several persons summoned by the overseers to work on the roads aforesaid, shall not be liable to any fine for not appearing and doing their duty, unless they shall be summoned ten days before the day appointed for working.

Guide boards to be
put up.

1818
54. 8

12. All overseers of roads shall cause to be set up at the forks of all roads within their several districts, a post or posts with arms pointing the way of each and every road, with directions to the most public places to which they may lead, with the number of miles from that place, as near as can be computed; and every overseer who shall neglect or refuse to do so and keep the same in repair, shall forfeit and pay for every such neglect the sum of twenty dollars; and every person or persons who shall wantonly remove, knock down or deface the said directions, shall for every such offence, forfeit and pay the sum of twenty dollars, to be recovered before any justice of the peace by any person suing for the same.

PENALTIES, &c.

For obstructing,
&c., public roads.
1818
54, 10

13. If any person or persons shall erect or cause to be erected any bars across any public roads, or lay any timbers thereon, or obstruct in any manner the free passage thereof, they shall forfeit and pay the sum of fifty dollars, to be recovered before a justice of the peace, by any person suing for the same, and to the use and benefit of the person so suing; and no person shall turn, alter or change any public road, unless it be by order of the police jury of the parish in which said road is, under the penalty of one hundred dollars for each month the said road is altered or turned out of its old course, to be recovered before any court of competent jurisdiction, one-half to the use of the person suing for the same, and the other half to the use of the parish in which the road is situated.

Prosecution of
overseers for neg-
lect or failure to
discharge their
duties.

11,
1837
48, 1
1818
54, 11

14. In case of the failure or the neglect of any of the overseers of roads, appointed as aforesaid, to discharge faithfully the duties imposed on them, it shall and may be lawful for the different grand juries of this State to present the said overseers to their respective district courts for neglect or refusal to perform their duties; and upon such presentment it shall be the duty of the different district attorneys to file an information against the said overseers, charging them with neglect or refusal to perform their duties as the case may be; and upon trial had thereon, and conviction of the said overseers for neglect or refusal to discharge the duties which are now or may be hereafter imposed on them by law, or by ordinances of their respective parishes, he shall, on conviction thereof, be fined in a sum not less than one hundred nor more than five hundred dollars; and it is hereby made the duty of the persons acting as clerks of the police juries of this State, to transmit within ten days previous to each session of the said district courts, to the several clerks of said courts of this

State, a list of the overseers of roads in their respective parishes, under penalty of a fine of not less than twenty dollars, to be recovered before any court having competent jurisdiction, by the presidents of the police juries of the parish in which said delinquent clerk may reside, for the use of said parish; and it is hereby made the duty of the district judges of this State, at each session of their several courts, to charge the grand jury to inquire into the state of the roads of their respective parishes, and lay before the said juries the list of the overseers, in order that the said juries may know which of the said overseers may be liable to a prosecution for a failure to perform the duties imposed on them.

15. The fines and forfeitures to be recovered under the authority of the provisions of this title, when not otherwise provided for therein, shall be paid into the parish treasury for the use thereof.

Fines and forfeitures, how disposed of.
1818
54, 13

ROADS AND LEVEES.

I.

IN THE PARISHES SITUATED ON THE BANKS OF THE MISSISSIPPI RIVER.

1. The police juries of the said parishes shall be, and they are hereby authorized to pass all such ordinances as they may deem necessary, relative to roads and levees, bridges and ditches, and to impose such fines and penalties, and to enforce the same, as they may judge proper and expedient, to be recovered and enforced by indictment or information, before any competent court.

To pass ordinances, etc.
1831
6, 3.

2. The police juries in the said parishes shall meet once in the year, or oftener if necessary, to deliberate upon and make all necessary regulations relative to roads and levees, as circumstances may require, when changes or extraordinary works may become necessary. The regulations made by the said police juries, in relation to roads and levees, at such meetings, shall be notified to all the parishioners, by means of a circular letter, and be posted up at the door of the parish church, and at other public places.

Meetings of police juries.
To direct the work to be done, etc., by regulations etc.
1807
132. 1
134. 3

3. At the expiration of the time fixed by the regulations for the completion of the works, it shall be the duty of the parish syndics, or other persons appointed to superintend the making or repairs of roads and levees, to go in company with two inhabitants, freeholders, to examine the said works, in order to ascertain if they are executed in the manner prescribed by the regulations. Any person who shall have failed to execute the same, shall forfeit and pay the fine fixed by the said regulations: and the said parish syndics, or other persons appointed as aforesaid, shall order him to execute his said work within a certain time. And if the said person has again neglected to make it, the said work shall be ordered to be made, either by the adjudication of the same to the lowest bidder, or by requisition on the inhabitants of the parish, each of whom shall send to the spot a number of able bodied negroes, proportioned to the strength of his gang, for the hire of which slaves they shall receive one dollar per day; and the said inhabitant disobeying the regulations, shall pay all the expenses by him occasioned. And any parish syndics, or other person appointed as aforesaid, who shall ne-

Duty of inspectors, etc.
1807.
134. 4

Penalty for failure to do the work, etc.

In case of failure, to be done, how, etc.

Penalty on the inspector.
1807
134. 5

glect to fulfil the duties imposed on him by this section, shall forfeit and pay the sum of five hundred dollars, one half for the use of the parish, and the other half for the use of the person who shall prosecute the recovery of the same before the District Court.

Notice to resi-
dents and non resi-
dents, how given.
1831
6, 4

4. The police juries of said parishes shall direct in what manner notice shall be given to non-resident proprietors of land within their respective parishes, of the works to be done to their levees and roads, bridges and ditches, as well as to resident proprietors of land within their respective parishes.

Police juries au-
thorized to bring
suit for work done
at the parish's ex-
pense.
1817.
154; 3

5. Whenever any works to the levees, high roads, etc., of any of said parishes, shall have been made at the parish's expense, it shall be lawful for the police jury of said parish to sue any person or persons for whose account the said works or repairs were made, before any court of competent jurisdiction, and to obtain the reimbursement of the said amount, by privilege on the land subject to the said works, in the manner prescribed under the title of police juries.

Process verbal of
adjudication, to be
recorded.
1831.
8; 5
1828.
128; 1

6. In all cases of adjudication of the works to be done, to the levees, roads, ditches and bridges, or other public works on any land in said parishes, it shall be the duty of the officer adjudicating the same, to cause the process verbal of adjudication to be recorded by the parish recorder, as recorder of mortgages, which shall operate as a lien on said land; and in case of non-payment, the undertaker shall be entitled to an order of seizure and sale, upon the presentation of said act thus recorded, annexed to his petition, together with his oath showing the amount due to him, to any competent court: and in cases of non-residency, it shall be the duty of the judge to name an attorney for the non-resident, upon whom service shall be made, as provided for in executory proceedings by the Code of Practice: and said Attorney shall be entitled to such compensation as may be deemed reasonable after legal proceedings had to determine the amount, to be taxed as part of the costs. The said order of seizure and sale shall be executed by the sheriff of the parish, after an advertisement of thirty days, without the benefit of appraisement, in the same manner, and subject to the same formalities as in ordinary cases of seizure. The parish shall not be in any manner responsible for the amount of said works, unless the proceeds of the sale of said land should not be sufficient to pay the same and the owner become insolvent.

Height and base
of levees.
1843.
10; 3
1829.
76; 2

Where the earth
to, be taken.
1829.
78; 5

7. All repairs and new levees shall be made as follows: Every levee which shall contain one perpendicular foot of water, and not above three feet, shall have at least five feet base, for each and every foot of height; every levee which shall contain more than three perpendicular feet of water, and not above five feet, shall have at least six feet base for each and every foot in height; every levee which shall contain more than five perpendicular feet of water and not above six feet, shall have at least seven feet base for each and every foot in height; every levee which shall contain above six perpendicular feet of water, shall have at least eight feet base for each and every foot in height. The summit of every levee shall be of the breadth of one third of its base.

And finally, every levee shall be of such height, that after the sinking of the earth, it be still raised one foot above the level of the water when highest. The earth which shall be employed for the repairs or construction of a levee, shall be taken at the distance of at least twenty feet from the base of the said levee next the river. Every new levee, or every portion of a levee which shall be made anew, shall be fascined on the side of the river, either with palmetto or with pickets.

New levee to be fascined.
78; 6

8. No inhabitant nor any other individual, shall make any new levee, dyke, or embankment, in front of those which exist at present, that is to say, nearer the river than those actually existing, unless he shall have been authorized thereto by the police jury of the parish.

Prohibition for making works, &c., without permission
1808.
2; 1

9. Any person who shall, in contravention of the preceding section, commence or finish any new levee, dyke, or embankment, on the banks of the Mississippi, in front of another already existing, shall be liable to prosecution by information before the Court of the parish where such levee, dyke, or embankment shall have been commenced or finished, and shall, upon conviction, be compelled to pay the sum of one hundred dollars for every such contravention, into the treasury of the State for the use thereof; and the Court shall further order the said levee, dyke, or embankment, to be removed, and that the expense of of such removal shall be paid, as well as other costs, by the party convicted.

Penalty for making works, &c., without permission.
1808.
4; 3

10. If any person shall erect any work in front of the levee, on the banks of the Mississippi, out of the limits of the city of New-Orleans, either by making a new levee, or building houses, sheds, dykes or keys, so as to impede the navigation of the Mississippi, or to encroach on that part of the bank reserved by law for the use of the public, or for roads used for tracking, whether said works or buildings be only commenced or completed, without the said person having applied to the police jury and obtained from them permission so to do, then and in that case the president of the police jury of the parish where said works shall have been commenced or completed, shall have the power, upon the fact being made known to him by the affidavit of any credible person, to cause the said fence or other obstruction, to be removed at the expense of the person who shall have erected the same, after having given written notice to said person, if he be known, to destroy or remove the same, within any reasonable delay he shall determine; or if said person be not known, the said president of the police jury shall cause the said fences or other obstructions so commenced or completed, to be removed or destroyed at the expense of the owner of the same, without being obliged to apply to a court of justice. The provisions of this section shall extend to all works which might be made on the battures, whether the said battures belong to the riparian proprietors, or are reserved for public use.

Unlawful to construct any work outside of the levee.
1837.
114; 3 and 6

IN THE PARISHES ON THE BAYOUS, RUNNING TO AND FROM
THE MISSISSIPPI RIVER.

By whom to be made, and in what manner.

11. Throughout all the portion of the State watered by the

bayous running to and from the Mississippi river, which is settled, where levees are necessary to confine the waters of that river, and to shelter the inhabitants against inundations, the said levees shall be made by the riparian proprietors in the proportions and at the time hereinafter prescribed.

12. Every levee which shall contain one perpendicular foot of water (masse) and not above three feet, shall have at least five feet base, for each and every foot in height; every levee which shall contain more than three perpendicular feet of water and not above five feet, shall have at least six feet base for each and every foot in height; every levee which shall contain more than five perpendicular feet of water and not above six feet, shall have at least seven feet base for each and every foot in height; every levee which shall contain above six perpendicular feet of water, shall have at least eight feet base for each and every foot in height; the summit of every levee shall be of the breadth of one third of its base; finally, every levee shall be of such a height, that after the sinking of the earth, it be still raised one foot above the level of the water when highest.

13. The police jury shall be and they are hereby authorized to determine the distance at which levees shall be made on the banks of bayous running to and from the river.

14. The earth which shall be employed for the repairs and construction of a levee, shall be taken at the distance of at least twenty feet from the base of said levee on the side of the water.

15. Every new levee or every portion of a levee which shall be made anew, shall be fascined on the side of the river, either with palmetto or otherwise with pickets.

16. All new or old levees on the unsettled and uncultivated lands situated on the river or bayous running to or from the same or other waters connected therewith, in places where levees are necessary to prevent inundations, shall be constantly fascined or palisaded in the manner prescribed by the preceding section.

17. Every owner of lands situated on the banks of the said bayous or other waters connected therewith, or in any of the places where levees are necessary to confine the waters, shall be bound to have annually on said land, during all the time of high water, at least one slave or other person for every four arpents front of said land, for the purpose of working during the same time to the repairs and keeping of the levee and roads; providing that the inspector shall have the power to authorize that the number of slaves above mentioned be reduced whenever the local circumstances may require it.

18. Every owner of land situated on the banks of the said bayous shall be bound to give to the public, and to keep constantly in good repair, a highway at least twenty-five feet wide, on the whole front of his property, which highway shall be swelled in its centre, and be lined on each side by a draining ditch at one foot wide and one foot deep; Provided, that these two ditches shall communicate with each other by means of ditches at least two feet wide, which shall be made across the road at least one for every four arpents, and which shall be extended in the depth of the land so as to drain the said highway, and to facili-

Levees to be made
1829
76 1

Height and base of
levees,
76, 2

Police jury to de-
termine, &c.
78, 4

Earth to be taken 20
feet from the base
of the levee.
78, 5

Levee to be
fascined.
78, 6

Levees on unset-
tled lands, how
made,
78, 7

One slave, &c., for
every four arpents
to be kept on the
land during high
water.
78, 8

Roads and bridges,
how made.
80, 9

tate the running off of the waters which filtrate through the levees; Provided, also, that the portions of ditches which shall cross the highway shall be covered with bridges, each of which shall be at least twenty feet long, and one-third wider than the ditch, and be made with planks two inches thick, nailed or pinned on five joists, placed level with the road in such a manner that by means of each being added on both sides, the height of said bridges be not so sensible as to hinder the free passage of carriages or carts.

19. The bridges on the canals of saw mills shall be solidly constructed of planks twenty feet long and two inches thick, nailed or pinned on strong joists, and they shall have on each side rails of at least three feet in height; finally, the ascent to said bridges shall begin at a sufficient distance to be easy and commodious.

Bridges on the canals of saw mills.
1839
80, 10

20. Every planter who shall let in the water from the said bayous, or other waters connected therewith, either to inundate his rice or to water his crops, shall be bound to secure the rivulet with a good timber work, so that throughout the whole thickness of the levee, the water so let in passes entirely upon the wood without finding itself in contact with the earth; Provided, that as well on the levee as on the highway across which the said rivulet shall pass, it shall be entirely covered with a bridge made in the manner prescribed in the eighteenth section of this title; Provided also, that the said rivulet shall be stopped as soon as the rice or crops shall have been inundated or watered, in order not to injure the neighbors, and that it shall in no case be wider than one foot, and that the water shall not be let into the crops by means of a boundary ditch, under the penalty hereinafter established.

Mode of letting in the water.
80, 12

21. It shall be the duty of every owner of lands situated on the said bayous or other waters connected therewith, in places where levees are necessary to confine the waters, to cause attentively and carefully to be dug and filled up every year, the holes which crawfishes, muskrats, or other animals might have made in the said levees, and to adopt constantly all the necessary means to prevent the progress of those which happen during the high waters, as soon as they shall be apprised of it, under the penalties hereinafter established.

Crawfish, &c., holes to be filled up, &c.
82, 13

22. The work or repairs to be made annually to levees, bridges, and highways, in conformity with the foregoing provisions, shall every year begin on the fifteenth of August, unless prevented by the waters being too high, in which case the said works or repairs shall be commenced as soon as the situation of the water will make it practicable, and the said works or repairs shall be completed on or before the fifteenth of December, under penalty against defaulters of a fine which shall not exceed one thousand dollars, and which shall be prosecuted, imposed and recovered for the benefit of the parish in which the works were to be made, in the manner and form hereinafter established.

Repairs of levees to be begun on the 15th August, unless, &c.
82, 14

APPOINTMENT OF INSPECTORS, THEIR DUTIES, POWERS, ETC.

23. The police juries of all the parishes on the said bayous where levees are necessary to protect the inhabitants against inundations, shall appoint by ballot, annually, such number of inspectors as shall be deemed necessary for every such parish,

Appointment.
82, 15.

respectively ; in such a manner, however, that no inspector shall be charged with the inspection of the roads and levees, to a greater extent than three leagues.

No free white male, of age, exempt from serving as an inspector.
82. 16.

24. No free white male person of age, residing in any of the parishes to which this act is applicable, shall be exempt from acting as an inspector, unless he be infirm, or sixty years of age ; and every inspector so appointed shall be bound to discharge the duties imposed upon him by this act, during the said term of one year from the day of his appointment, unless he be prevented by a serious disease, or necessary absence ; and any inspector who shall fail to discharge any of the duties imposed upon him as such, or who, when sick or necessarily absent, shall fail to give notice thereof to the president of the police jury, or any person, who being appointed to fill the place of an inspector so taken sick as above stated, shall neglect or refuse to act, until the next annual meeting of the police jury, shall be liable to a fine which shall not be less than fifty dollars, nor more than two hundred dollars, which fine shall be prosecuted, imposed and recovered for the benefit of the parish, in the manner and form hereinafter established.

Inspector to take oath, &c.
1829.
88. 22.
1847.
84. 1.

25. Every inspector, before entering in office, shall take an oath of office, as prescribed by law, which oath shall be administered by the president of the police jury, and the said president shall deliver to said inspector a certificate showing that he has taken such oath, which certificate shall stand in place of a commission, and authorize said officer to act.

Penalty on proprietors for refusing to obey the orders of the inspector.
1829.
84. 18.

26. Every such inspector shall be bound to draft a process verbal, either in French or English, of the situation in which, during high waters, he shall find each and every levee subject to his inspection, which process verbal shall specify the repairs to be made immediately, according to the urgency of the case, to the said levees, in order to prevent the rupture, and the said inspector shall, at the same time, provide for all the means which he shall deem most expedient and efficacious, in order that the said repairs be made in time, and for that purpose he shall be authorized to furnish the proprietor whom it shall concern, on urgent necessity, and for the prevention of crevasses, with any number of slaves he may deem necessary, not only from his own section, but also from all the other sections of the parish, situate on the same side of the bayou, and every proprietor refusing to obey the orders given, or the requisitions then made by the said inspector, shall incur a fine which shall not be less than twenty-five dollars, nor more than one hundred dollars, which fine shall be prosecuted, decreed, and recovered in the manner and form hereinafter established ; provided, that on such refusal as above-mentioned, every such inspector shall have the right to take all the slaves of the refractory proprietors, and to employ them in making the said repairs, until the same be completed ; and in case any proprietor should oppose by force, or violence, the taking of his slaves by the inspector for the purpose aforesaid, such proprietor shall, besides the said fine, be condemned, on conviction, to an imprisonment which shall not be less than fifteen days, nor more than two months.

27. In case one or more crevasses should take place in any levee or levees, the inspector in whose section that event shall take place shall repair to the spot, as soon as he shall have received information thereof, and he shall have power to take and shall immediately take all the measures prescribed to him by the preceding section, in order to have the said crevasses stopped, which measures every inhabitant of the parish shall be bound to assist him in, under the penalties established by the said section.

Duty of Inspector
when a crevasse
takes place.
86, 19

28. Every year on the thirtieth of August and the sixteenth of December, each inspector shall make an inspection of the levees, bridges and highways of his section, in order to ascertain whether what is prescribed to each proprietor by the twenty second section of this title has been executed, and he shall draft a process verbal thereof either in French or in English; and in case on the fifteenth of September of each year, any planter should not be sufficiently advanced in the works of his levee, if the said inspector thinks that the said planter has not or cannot procure the necessary means for completing the said works, it shall be the duty of the said inspector to cause the said works to be adjudicated to the lowest bidder, after three weeks notice or publication, posted up at the door of the parish court house; and if, at the expiration of the three weeks there appears no bidder for the said work, the said inspector shall employ all the means, and make use of all the powers which are granted to him by the twenty-sixth section of this title, in order to cause the said works to be executed under the same penalties against those who may oppose the employment of the said means, and the exercise of the said powers which are decreed by the said section; Provided, however, that during the interval of the notice or publication prescribed for the adjudication to the lowest bidder, the proprietor shall always be allowed to work and cause to be worked at his levee; and that if, at the expiration of that time, it is sufficiently advanced to afford reasonable ground to hope that it will be completed or repaired on or before the fifteenth of December, the adjudication to the lowest bidder or any further requisition shall be suspended until after the said fifteenth of December, but that after that day, it shall be the duty of the inspector to proceed immediately thereto in the manner and order above established.

When inspector
shall inspect the
levees.
86, 20

Proviso:

29. If after the said works and repairs of levees shall have been made and completed in the manner and within the delays prescribed by the said twenty second section, the bank shall fall in and carry away a levee, or a portion of a levee, so that the planter to whom such an accident happens, be unable with his own hands to repair the damage in time, by the construction of a new levee, or a portion of levee, it shall be the duty of the inspector of the section wherein the event shall have occurred, to put immediately in requisition a number of slaves proportionate to the respective gangs of the inhabitants of the parish; and the said slaves shall, in this as in all other cases of requisition, be provided with hoes, spades, axes, and handbarrows, in order to repair the damage occasioned by the accident. And in that respect the inspector shall exercise the powers which are granted

Duty of the Inspector
when the bank
falls in.
88, 21

to him by the twenty sixth section, under the penalties against individuals opposing him in the discharge of his duties, which are decreed by the said section.

The duty of inspector.

1829.

84. 17

30. It shall be the duty of every inspector to make, every week at least, one inspection during the time of high water, of the roads and levees subject to his inspection, and to ascertain whether the obligations imposed on the riparian proprietors by the sections foregoing have been complied with, of which inspection the inspector shall be bound to draft a process verbal, in English or French, in which, in case of contravention on the part of any proprietor, he shall specify the object or objects in which the said proprietor shall have failed to comply with the provisions of the above recited sections.

Process verbal to be made by the inspector and signed by a witness of the inspection.

88, 23.

31. In every inspection or requisition, made by virtue of the provisions of this title, the said inspector shall cause himself to be accompanied by at least one planter of his section, who shall sign as witness, with the said inspector, the process verbal of inspection, as well as the orders and requisitions which he may issue or make during the said inspection; and any individual called upon to accompany the said inspector as witness shall be bound to do it, under a penalty of five dollars, for the benefit of the parish, to be recovered on the mere declaration of the said inspector before the District Court of said parish; Provided that no planter shall be called upon as above more than three times in succession.

Inspectors exempt from militia duty and parish tax.

90 24

32. The inspectors appointed as provided for in section twenty three of this title shall be, during the year they shall exercise said functions, exempt from all militia duty, and from the payment of parish taxes, and that no person of them shall be bound to accept of, and fulfil the duties of inspector under this act, for two years in succession.

In case of a contravention, inspector to transmit written information to the District Attorney.

98, 42

33. It shall be the duty of the inspector of each section to transmit without delay to the District Attorney, prosecuting in the name of the State, in the district to which the parish belongs, fair and accurate copies of the process verbal which he shall make agreeably to the provisions of this title, and to give regularly to the said District Attorney, as the case may be, written and correct information respecting all the contraventions of the provisions of this title, of which the proprietors of his section may have been guilty.

When a new levee is to be made, inspector to summon three planters.

100, 46

34. Whenever an inspector shall think that a levee ought to be made anew, either entirely or in part, he shall cause three neighboring planters to assist him, and he shall, jointly with them, ascertain the work to be made, and notify the same, in writing, to the planter whom it may concern, and the said planter shall be bound to execute the said works within the time, and under the penalties prescribed by the twenty-second section preceding; and in case this should not be done, the said inspector shall cause the said works to be executed by the said planter, or in any other manner, by virtue of the powers to him confided by the twenty-sixth section, under the penalties prescribed in the said section for the punishment of delinquents.

35. In the parishes where there exist levees, the making and repairs of which devolve upon the said parishes, all the inspec-

tors of such parish shall join to cause the same to be made or repaired, as the case may be, by proportional requisitions of slaves, on the proprietors within the extent of their respective sections: and they shall have, in that respect, the same powers, and be under the same penalties as are established by the said twenty-sixth section against refractory proprietors.

Inspectors of different parishes to join.
100. 47

36. Whenever the works, levees, or repairs to be executed, shall have to be made on the property of non-residents, it shall be the duty of the inspector, instead of the notification prescribed in the foregoing provisions, to be given to the proprietor of the land on which the said works, levees or repairs are to be made, to have a notice to that effect inserted during fifteen days, in French and English, in one of the gazettes printed within the parish where such land is situated, or at the nearest place where gazettes are printed, specifying the works or repairs to be made, and the delay during which the same are to be made; and this shall be deemed a sufficient notification: and as to the other formalities to be complied with by the inspector, in inspecting the works, ordering that the same be executed, adjudicating to the lowest bidder, making requisitions, employing hands, and other requisites prescribed by the several provisions of this title, they shall be the same with respect to non-residents as with respect to residents, and the mode of suing for the recovering such sums as may become due by non-residents, in consequence of the carrying into effect of the said provisions, shall also be the same.

Non-residents how notified.
1829
102; 49

LIABILITY OF OWNERS FOR DAMAGES, FOR WORK DONE, ETC.,
AND PROCEEDINGS TO ENFORCE PAYMENT.

37. Every proprietor whose levee shall have been broken by his own neglect to comply with the provisions of this title, shall be liable towards the planters who shall suffer by it, for all damages and losses, agreeably to articles two thousand two hundred and ninety-four and two thousand two hundred and ninety-five of the Civil Code, under the head of offences and quasi-offences.

Proprietors liable for damages.
90. 25

38. Whenever a requisition shall have been made to work at any levee, the owner of the slaves thus put in requisition and employed, shall have the right to obtain from the owner of the levee at which his slaves shall have been working, for each day's work of a slave, the sum of one dollar, on an account certified by the inspector who shall have made the requisition; which account, thus certified, when it shall be produced in court, shall be entitled to full credit; provided that the slaves thus employed shall be fed by and at the expense of the planter, at whose works they shall have been employed.

One dollar allowed for each day's work of a slave.
90. 26.

39. The planters or other persons to whom any sums of money may be due for works made to roads or levees, by virtue of requisitions, or adjudications to the lowest bidder, shall have a privilege on the property, to the levees and roads of which the works shall have been made, in preference to any other creditors, even to the vendor of the soil.

Highest privilege.
94. 31.

40. The action for damages which shall be instituted by virtue of the thirty-seventh section preceding, shall be brought in the usual form, before the district court.

Actions for damages before the district court.
100. 41.

41. All the planters whose slaves shall have been put in re-

Planters may join
and institute a suit.
1839.
90. 27.

quisition to work at any levee, and who shall wish to get paid for the labor of their said slaves, at the rate fixed by the thirty-eighth section foregoing, may join and institute in their respective names a joint suit against the owner at whose levee their slaves shall have been working.

Suit to be brought
before the district
court.
90. 28.

42. Every suit to obtain payment for labor and food of slaves, employed by requisition, shall be brought before the district court of the parish wherein the requisition and work shall have been made, whatever may be the amount of the said suit; and the said court shall take cognizance of the said suit, in preference to any other pending before it, and render its judgment, which shall be executed in the usual form; and in case of appeal, it shall be the duty of the Supreme Court to decide upon the said appeal in preference to any other, the parties being, however, bound to comply with the formalities which parties are bound to comply with in cases of appeals.

Rights of plan-
ters, etc., in certain
cases.
90 91.
27 and 29.

43. The planters or other persons to whom any sums of money may be due for works made to roads or levees by virtue of requisitions, or of adjudications to the lowest bidder, shall have the right to sue either the owner personally, or the property itself, in case the owner shall not reside in the parish.

Actions in rem,
how prosecuted.
91. 30

44. The actions in rem, provided for in the preceding section, shall be prosecuted in the following manner, to wit: the plaintiffs shall present their petition to the district judge of the parish where the property on which the works shall have been made, either by requisition or by adjudication, is situated; they shall herein briefly state the facts and pray that the said property be seized and sold to pay the amount of their claims; to that petition they shall annex either the account of the days' work, due for a requisition, duly certified by the inspector agreeably to the thirty-eighth section, or a copy in due form of the process verbal of adjudication to the lowest bidder, and the certificate of the inspector, declaring that the undertaker has fulfilled the obligations contained in the said process verbal of adjudication; and on the presentation of a petition in the said form, the district court shall order the sheriff to seize the property, and to give notice in cases of non-residents, in one of the newspapers published at New Orleans, during eight days, in French and English, and in cases of residents, in the newspapers published in the parish, if there be one; if not, notice shall be given in the ordinary way, by posting said notice at the church door, court house, and other public places of resort, to any person whom it may concern, to show cause to the said court, within one month from the date of the order directed to the sheriff, why the property thus seized should not be sold according to the prayer of the said petitioner, and if at the expiration of the said month, nobody does appear, or make a defence in writing, the said district court shall proceed to try the case, ex-parte, and pronounce, if there be sufficient grounds, in favor of the plaintiff, or plaintiffs; but if any body appears and makes a defence, the said court shall proceed to the hearing of the cause, in the usual form; Provided, that in all cases their judgments shall be rendered in open court, and that the sheriff shall be bound to comply, for the sale of the property seized,

with all the formalities prescribed by law in cases of sale of the property seized in execution of judgments rendered by the district courts; except, however, that the adjudication of the property seized may take place at the first exposure for sale, if one-half of the price of appraisement is bid; in the contrary case, the said adjudication shall take place at the second exposure, and payable in cash, to whatever sum the last bid may amount.

PENALTIES.

45. Any inspector appointed according to law who shall neglect to discharge any of the duties hereby devolving upon him, shall be, on conviction, condemned to a fine, which shall not be less than twenty-five nor more than one hundred dollars, one-half for the benefit of the informer and the other half for the benefit of the parish.

Penalty on inspector for neglect of duty.
1829
100, 48

46. Any proprietor who shall contravene any of the provisions contained in the twelfth, thirteenth, fourteenth, fifteenth and seventeenth sections of this title, shall upon conviction, be condemned to a fine, for the use of the parish, which shall amount to no less than two hundred, nor more than one thousand dollars.

Penalty for contravening the provisions contained in the 12th, 13th, 14th, 15th and 17th sections of this act.
94, 34

47. Any proprietor who shall contravene the provisions contained in the sixteenth section, shall, on conviction, be condemned to a fine, for the use of the parish, which shall amount to no less than one hundred, nor more than five hundred dollars.

Penalty for contravening the provisions contained in the 16th section.
35,

48. Any proprietor who shall contravene any of the provisions contained in the eighteenth and nineteenth sections, shall, on conviction, be condemned to a fine for the use of the parish, which shall not be less than fifty, nor more than two hundred and fifty dollars.

Penalty for contravening the provisions of the 18th and 19th sections of this act.
36

49. Any proprietor who shall contravene the provisions of the ninth and tenth sections, shall, on conviction, be condemned to a fine, for the use of the parish, which shall be no less than twenty-five dollars, nor more than one hundred dollars; Provided, however, that the inspector of the section shall have the right, when he shall find such proprietor in default, to oblige him to execute the works prescribed by the said ninth and tenth sections, and to take immediately his slaves for that purpose, as also to use all the powers granted by the twenty-sixth section, in case the said defaulting proprietor should not have a sufficient number of slaves to do it immediately, and that under the penalties against delinquents which are pronounced by the said section.

Penalty for contravening the provisions of the 9th and 10th sections.
96, 37

50. Any proprietor acting in contravention of the provisions contained in the twentieth section, shall, on conviction, be condemned to a fine for the use of the parish, which shall be no less than twenty-five dollars, nor more than one hundred dollars; Provided, however, that the inspector of the section shall have the power, whenever he shall find such proprietor in default, to oblige him to undo the works he shall have made, and to fill up and close the openings made to the levee, by using the means granted by the foregoing section.

Penalty for contravening the provisions of the 20th section.
38

51. Any proprietor who shall act in contravention to the provisions of the twenty-first section, shall, on conviction, be condemned to a fine, for the use of the parish, which shall be not

Penalty for contravening the provisions of the 21st section.

less than one hundred dollars, nor more than one thousand dollars; Provided, that the inspector of the section, when he shall find such proprietor in default, shall have a right to oblige him to execute the works prescribed by the said section, or shall cause them to be executed by means of a requisition, as the case may be, in the manner prescribed in the forty-ninth section foregoing.

Opposing by force or violence the taking of slaves by inspector, punishable by imprisonment.

84, 96
18, 37, 38, 39.

Contraventions of the foregoing provisions, a misdemeanor, or.

1829.
96, 40.
1829.
98. 41

52. Any proprietor who shall oppose by force or violence, the taking of his slaves by the inspector, as specially authorized by the sections of this title, for the purposes therein specified, shall, besides the fine imposed, be condemned, on conviction, to an imprisonment, which shall not be less than fifteen days, nor more than two months.

53. All contraventions of the provisions of this title, against which a fine or penalty is decreed, shall be considered as misdemeanors, and shall be prosecuted, to wit: in the cases of imprisonment by indictment, and in cases of fines by information; and it is hereby made the duty of the district attorneys of this State, each in their respective district, to institute all the necessary proceedings, in the name of the State, against each and every offender. All such prosecutions shall be brought before the courts of the parish where the property shall be situated, although the owner should not reside in the same; and for that purpose, as soon as an indictment or an information shall be laid before them, the said court shall have power to issue the necessary orders, to cause the accused to give bail, with approved security, for his appearance, in the usual form of bails in criminal matters, which orders may be directed to the sheriffs of the parishes in which the accused shall reside, in case they should not reside in the parish in which the property is situated for the works on which they shall be prosecuted; and it shall be the duty of every sheriff to whom such orders shall be directed, to put them in execution, under penalty of a fine of one hundred dollars, for the use of the parish. For each prosecution which shall be brought by virtue of the provisions of this title, the district attorney prosecuting shall be entitled to a compensation of fifteen dollars, which shall be paid by the accused, if convicted, as well as other charges of the prosecution, but to which the said prosecuting officer shall have no claim, if the accused be discharged.

Parishes to have privilege on property, &c.

98. 94.
43 and 31.

54. The parishes shall have a privilege on the property on which the roads and levees exist, or ought to exist, and with respect to which the said prosecutions are had, for all the fines imposed and decreed under the provisions of this title, which shall entitle them to be paid out of the proceeds of the sale of the same, in preference to any other creditor, even to the vendor of the soil.

SALVAGE.

Remuneration allowed for saving cotton.

1850—216; 1

1. Any person who shall recover, save and place upon the bank or land any bale or bales of cotton found floating in any of the waters of this State, and not in the possession or under the actual control of the owner or carrier thereof, shall be entitled to demand and receive from the owner, his agent, consignee or in-

surer, the sum of two dollars and fifty cents for each bale of cotton so recovered and saved from the water as aforesaid, and also the additional sum of fifty cents for each bale so saved as aforesaid, which may have been shipped to the city of New Orleans as hereinafter provided, previous to its being demanded by the owner, his agent, consignee or insurer.

2. The master of the boat or vessel from which such floating cotton may have been lost or thrown overboard, the shipper, consignee and insurers of such cotton or any of them, shall be entitled to demand and receive the possession of the same after first paying the salvage fees as provided for in the preceding section.

What persons are entitled to claim said cotton on paying salvage.
1850—216; 2

3. If the owner, his agent, consignee or insurer, should not demand such cotton from the salvor, within ten days after it shall have been recovered from the water, then and in that case it shall be the duty of the salvor within the further term of ten days, to ship the same to the city of New Orleans, and the merchant there receiving the same, shall cause it to be advertised for five days in a newspaper published in that city as "cotton found," describing each bale by its original marks or brands, and if after the expiration of the said five days, the owner, his agent, consignee or insurer shall not claim said cotton, it shall then be the duty of the said merchant to sell the same and deposit the proceeds, after deducting the salvage fees, freight and charges, in the hands of the treasurer of the "Charity Hospital," in the city of New Orleans, together with an account of said sale and charges; and the salvor failing to ship such cotton, as directed herein, shall forfeit all right to demand and receive the compensation for salvage, as provided for in the first section.

Duty of the salvor, in case said cotton is not claimed.
1850—217; 3

To be advertised and sold in New Orleans.

Proceeds how disposed of.

4. Any person who shall fail or refuse to surrender or deliver to the owner, his agent, consignee or insurer, any bale or bales of cotton which may have been recovered or saved in the manner hereinbefore mentioned, after the salvage fees as fixed by the first section, shall have been paid or tendered to him by the said owner, his agent, consignee or insurer, and any person who shall secrete, convert to his own use, or sell otherwise than is allowed by the preceding section, any bale or bales of cotton, so saved by him from the water as aforesaid, or which may have been placed in his charge by the salvor, shall be held and deemed to be guilty of a felony and upon conviction thereof shall be fined in a sum, not exceeding one thousand dollars, and shall be confined at hard labor in the penitentiary house in this State, for a term not exceeding one year.

Penalty for wrongfully refusing to deliver up the cotton saved.
1850—217; 4

SEAMEN.

REGULATIONS OF SEAMEN IN THE PORTS OF ENTRY OF THIS STATE.

1. The master of every vessel arriving from sea into any of the ports of entry of this State, shall give to every person shipped on board such vessel, who shall be entitled to his discharge in either of the said ports, or who shall be discharged there, a certificate in the following form:

Masters to give certificate of discharge to mariners.
1841 1
1822 4

A. B, one of the crew of the ship or vessel called
the of on her voyage from
to is hereby discharged.

Dated of in the year of

[Signed] C. D, commanding said vessel.

Proceedings on re-
fusal to discharge.

1842

6, 4

1846

79 5

1841

67, 2

2. It is hereby made the duty of every justice of the peace, on the verbal complaint of any person, that he is entitled to receive the discharge provided for in the preceding section, and that the same is denied by the master of the vessel to which he belonged, to issue a citation, directed to said master, commanding him to appear in the said justice's court, on the day next following the service of the said citation, to show cause why such certificate should not be granted; and such citation shall be served by the sheriff and on the return thereof, the said justice of the peace shall examine, in a summary way, into the circumstances of the case; and if he finds that the seaman is entitled to his discharge, he shall give judgment to that effect; and if the discharge has been previously demanded and refused, shall add to the said judgment an order, that the defendant pay to the complainant ten dollars for his damages, and pay the costs of the proceedings; the amount of which judgment shall be recoverable by writ of *capias ad satisfaciendum*, returnable without delay; and the complainant shall not be obliged on such execution, to make any advance for the subsistence of the defendant, if he should be committed on such execution; and the said judgment shall be entered on the minutes of the court, and a copy of so much of the judgment as orders the discharge, shall be given to the complainant, which shall have all the effect of the discharge mentioned in the first section; and all proceedings under this section shall have a preference to the ordinary business of the said justice's court.

Desertions to be re-
ported.

1822

4, 2

3. If any seaman shall desert from any vessel in any of the said ports, or in the voyage from the sea up to either of them, the master of the vessel from which such desertion shall have taken place, shall, within twelve hours after his arrival, if such desertion shall have taken place before his arrival, or within twelve hours after the desertion, if it shall happen in port, make out an advertisement of such desertion, containing the names of the seaman and of the vessel to which he belonged, together with a description of the person of the deserter; which advertisement shall be signed by the master, and within the time aforesaid put up in the office of the mayor of the city of New-Orleans, in cases in the ports of New-Orleans and bayou St. John, and in other ports, at the court house of the parish in which the said ports may be situated.

Penalty against har-
boring deserters.

1822.

6, 5

4. If the keeper of any tavern, lodging, or boarding house, shall knowingly receive, harbor, lodge or conceal any deserter from any merchant vessel, such person so offending shall, on conviction, by information or indictment, forfeit the sum of one hundred dollars, or shall be confined, not exceeding thirty days, at the discretion of the court.

5. No master of a vessel in either of the said ports, or any person for him, shall ship any seaman who shall not produce such

discharge as is provided for by the first section : Provided always, that when any seaman shall offer to be shipped without producing such certificate, the master or other person desirous of engaging him, shall, previously thereto, give twelve hours previous notice that such seaman has applied to be shipped without a discharge, to all the masters of vessels then in port, who have within two months next before advertised any deserter from their vessels, in the mayor's office, until the expiration of which twelve hours, the master of any vessel to whom such seaman may apply to be shipped, is authorized to detain him on board his vessel, to the end that he may be reclaimed if he is a deserter ; but if such seaman be not so reclaimed, it shall be lawful to engage him without producing any such certificate. And if any master of a vessel shall ship any seaman contrary to these provisions, he shall forfeit fifty dollars to be recovered by any person who will sue for the same, in any court of competent jurisdiction.

No seaman to be shipped unless he produces his discharge.
1822.

4, 3

SHIPPING SEAMEN.

6. No person or persons shall carry on the business of shipping seamen, until he or they, previously to their engaging in the same, shall have given bond in two good securities, freeholders of the parish, payable to the Governor, and his successors in office, in the penal sum of one thousand dollars, conditioned as follows: that the said shipping masters and his sureties shall be liable, in solido, for the price and value of any slave or slaves who may have been regularly shipped by the said shipping master and carried out of the State of Louisiana, the same to be recovered by the owner or owners of each slave or slaves, with all damages occurring thereupon, by prosecution upon the said bond before any court of competent jurisdiction; Provided, that said bond shall not become void by the first or any other recovery, but may be put in suit and recoveries had thereon as often as any breach of the condition may happen. And any person or persons who shall act as a shipping master without complying with the foregoing conditions, shall be fined one thousand dollars, and suffer imprisonment for six months at hard labor.

Bond to be given by shipping masters.

1839

118, 1

7. All persons engaged in the business of shipping seamen, who have given bonds in conformity with the provisions of the preceding section, shall, in case of death, bankruptcy, or the removal from the State, of their sureties, be compelled, within fifteen days after such may happen, to renew his or their bonds, as provided for in the said section; and in case of neglect or refusal, the person so offending shall be fined five hundred dollars, together with all costs, and whenever the sureties above named, or either of them, shall remove from the State, die, or become bankrupt, the bonds signed by them shall be considered null and void, as regards the persons carrying on the business of shipping seamen.

Fine imposed on shipping master for non-compliance.

Duty of shippers of seamen.

1843

32, 1 and 2

Fine.

Bonds null and void.

8. Whenever any master or owner of any ship or vessel, steamboat or other craft, trading to the port of New Orleans, shall, while in said port, find it necessary to ship any seaman or seamen, cook or steward, for said ship or vessel, it shall not be lawful for them, under penalty of a fine of one thousand dollars, and imprisonment at hard labor for six months, to employ any

Penalty, &c., imposed on masters of vessels. &c.

1839

120, 2

1829

120, 4

shipping master or other person, who shall not have given bond with securities as provided for in the two preceding sections; and the owner or owners of such ship, steamboat or other craft, and master thereof, as well as the vessel, steamboat, or other craft, shall be liable to the owner of any slave so taken out of the State for the value of said slave.

Charity Hospital.
1839
120, 3

9. All fines incurred under the provisions of the foregoing sections shall be recovered for the benefit of the New Orleans Charity Hospital, and may be prosecuted at the instance of said institution.

SLANDER AND LIBEL.

Evidence in prosecution for libel.
1847
28, 1

1. In all prosecutions for libel, the truth may be given in evidence; and if it shall appear that the matter charged as libellous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted, and the jury shall be judge of the law and the facts.

SLAVES.

I.

Their condition and relation to others, and as Property.

THEIR CONDITION AND RELATION TO OTHERS.

Condition a passive one, etc.
1806
150; 18

1. The condition of a slave being merely a passive one, his subordination to his master, and to all who represent him, is not susceptible of any modification or restriction, (except in what can incite the said slave to the commission of crimes,) in such a manner that he owes to his master, and to all his family, a respect without bounds, and an absolute obedience; and he is, consequently to execute all the orders he receives from him, his said master, or from them.

No slave can possess, etc.
1806
150, 15

2. As the person of a slave belongs to his master, no slave can possess anything in his own right, or dispose in any way of the produce of his industry, without the consent of his master.

No slave can be party to a suit.
1806
150, 16

3. No slaves shall be parties to a suit in civil matters, either as plaintiffs or defendants, nor be witness in any civil or criminal matters, against any white person: Provided, however, that their masters may act and defend in civil matters, and prosecute in criminal cases, to obtain satisfaction of the outrages and abuses which might have been committed against their slaves.

Provisions.
1806.
150, 2

4. Every owner shall be held to give to his slaves the quantity of provisions hereinafter specified, to wit: one barrel of Indian corn, or the equivalent thereof in rice, beans or other grain, and a pint of salt, and to deliver the same to the said slaves in kind, every month, and never in money, under a penalty of a fine of ten dollars for every offence.

Clothing.
1806.
150, 3

5. The slaves who shall not have on the property of their owners a lot of ground to cultivate on their own account, shall be entitled to receive from said owner, one linen shirt and pantaloons for the summer, and a linen shirt and a woolen great coat and pantaloons for the winter.

Obligation of mas-

6. No inhabitant shall be discharged from the obligation of finding his slaves, by permitting them, instead of feeding them,

to work certain days in the week for their own account, under the penalty of five and twenty dollars for every offence.

7. The slaves disabled through age, sickness or any other cause whether their disease be incurable or not, shall be fed and maintained by their owners, in the manner prescribed in sections 4th and 5th, under the penalty of a fine of five and twenty dollars for every offence.

8. It shall be the duty of every owner to procure to his sick slaves all kinds of temporal and spiritual assistance which their situation may require.

9. If at a public sale of slaves there happen to be some who be disabled through old age or otherwise, and who have children, such slaves shall not be sold but with such of his or her children whom he or she may think proper to go with.

10. Every person is expressly prohibited from selling separately from their mothers, the children who shall not have attained the full age of ten years.

11. As for the hours of work and rest, which are to be assigned to slaves in summer and winter, the old usages shall be adhered to, to wit: The slaves shall be allowed half-an-hour for breakfast, during the whole year; from the first day of May to the first day of November, they shall be allowed two hours for dinner; and from the first day of November to the first day of May, one hour and a-half for dinner. Provided, however, that the owners who will themselves take the trouble of causing to be prepared the meals of their slaves, be and they are hereby authorized to abridge, by half an hour per day, the time fixed for their rest.

12. The inhabitants shall leave to their slaves the free enjoyment of Sundays, and shall pay them for their labor on said day, when they will employ them, at the rate of fifty cents; provided, that the present section shall not be construed so as to extend to slaves employed as servants, carriage drivers, hospital waiters, or to those employed in carrying provisions to market.

13. The owners shall be bound, in case of robbery or other damages caused by their slave or slaves, beside the corporeal punishment incurred by their said slave or slaves, to pay the said damage, unless they prefer to abandon the said slave or slaves, as provided in article one hundred and eighty-one of the Civil Code. But, if a slave should rob, or cause any other damages, whilst he is a runaway, and after his master has made a declaration of the fact, that the said slave had ran away, according to law, the said master shall not be held to any reparation or damages to the person or persons who may suffer in consequence of it.

AS PROPERTY.

14. Slaves shall always be reputed and considered real estate, and shall be, as such, subject to be mortgaged, according to the rules prescribed by law; and they shall be seized and sold as real estate.

15. If any person or persons who did mortgage any of his slaves to another, shall transport or attempt to transport, or cause to be transported out of this State, the said slave or slaves thus

ter to feed his
slaves.
150, 6

Disabled slaves.
1806.
150, 4

Sick slaves:
1806
150, 5

Restrictions on
the selling of cer-
tain slaves.
1806.
150, 8

Children, &c., not
to be separated
from their mother.
1806.
150. 9.

Hours of work
and rest.
1806.
150. 7.

Proviso.

Slaves allowed
Sundays.
1806.
150. 1.
Proviso.

In case of rob-
bery, &c., by slaves.
1806
150, 22.
1806.
150. 23.

Slaves considered
real estate.
1806.
150. 10.

Transporting a
mortgaged slave.
1816
12. 6.

8. 1.

Penalty,

mortgaged, in fraud of the mortgagees, such person or persons thus offending, and their aiders and abettors, shall be subject to a criminal prosecution, and on conviction of any of the said offences, shall suffer imprisonment at hard labor for a term not exceeding seven years, and not less than three years, and, moreover, shall be sentenced to pay all the damages that the owner or owners of the said slave or slaves may have suffered thereby, which damages shall be assessed by the same jury who shall give their verdict on the criminal prosecution.

Claim of freedom,
&c., denied.

1846.

163.

Tenants, lessees,
farmers, &c., en-
joying estates with
slaves, &c., their
obligations and pri-
vileges.

1806.

150; 11

Proviso.

16. No slave shall be entitled to his or her freedom, under the pretence that he or she has been, with or without the consent of his or her owner, in a country where slavery does not exist, or in any of the States where slavery is prohibited.

17. The tenants, lessees, farmers, and others, enjoying estates to which slaves working thereon belong, shall be obliged to govern the said slaves as good and honest men, in consideration whereof they shall not be held, after their administration being over, to pay the price of the slaves who died or decayed through sickness or old age, or otherwise, during their administration, without any fault of theirs, unless otherwise agreed on by contract: Provided, however, that they produce authentic proofs of the fact; and they shall not keep as issues to their profit the children born from the said slaves during their administration, which said children shall be preserved and restored to those who are their masters and owners.

Selling slaves
guilty of capital
crimes, &c.

1810.

Penalty.

18. Any person who shall have purchased any slave or slaves who shall have been convicted of any capital crime out of this State, and imported into this State after such conviction, shall be entitled to bring a redhibitory action against the seller, besides being entitled to such damages as may be assessed by a jury.

II.

IN RELATION TO THEIR POLICE.

1. *Concerning their Government, &c.*Slaves when be-
yond certain limits,
to have passes.

1806.

150; 30

19. In order to keep slaves in good order and due submission, no person whatever shall allow any slave whose care and conduct are entrusted to him, or her, and residing in New Orleans, to go out of said city; or any slave residing in the country to go out of the plantation to which said slave belongs, or where he is habitually employed, without a permission in the following form, viz:

Form of permis-
sion.

"The bearer (negro or mulatto) named _____ has leave to go from _____ to _____ for _____ days," (or hours) _____ dated the same day of delivery.

Which said permission shall be signed by the owner or other person having charge of the slave, or some other person by his order, or with his consent; and every slave who shall be found beyond the limits of the said city, if said slave habitually works or resides there, or beyond the limits of the plantation to which the said slave belongs, or in which he habitually works, if he resides in the country, without a permission as above mentioned, or without a white person accompanying him, shall receive twenty lashes from the person who will arrest him, and shall be

sent back to his master, who shall pay one dollar for his trouble, to whoever shall bring back said slave.

20. Every person is prohibited from permitting in his or her negro quarter, any other assemblies but those of his or her own slaves, under the penalty of paying all the damage which might result to the owner of any strange slave in consequence of such an admittance, and from allowing his or her slaves the liberty to dance during the night.

What assemblies only permitted.

1807.
181; 3
1806.
150; 12

21. Any inhabitant who shall have any runaway slaves, shall be held to declare the same to the recorder of the parish where he resides; and it shall be the duty of the said recorder to keep a book for that purpose in which he shall enter without leaving any blank, the declarations of that kind which shall be made before him, therein specifying the name and sex of the slave, and the precise date of the day of the declaration, the whole to be signed by the owner or his agents; and whenever the said slave shall have been returned to his owner, it shall be the duty of the said owner to declare the same as above directed; and said recorder shall be entitled to receive fifty cents for every such declaration.

Duty of persons having runaway slaves.

1806
150, 26

22. The inhabitants of the State shall be permitted to pursue and search for their runaway slaves in whatsoever place they may be, in such manner and by such white persons residing in the parish, as they may think proper, or may do so themselves if they think fit, even in the fields of other plantations, without being obliged to give notice of the same until after the search be made, except when search is made in the principal dwelling house, and other places under lock and key.

Permission to search for runaway slaves, wherever they may be, granted.

1806
150, 37

23. No owner of slaves shall hire his slaves to themselves, under the penalty of a fine of five and twenty dollars for every offence.

Hiring slaves to themselves prohibited

1806
150, 13

24. No person occupying or owning a plantation, shall be permitted to keep slaves on his plantation without having a white or free colored man as manager or overseer, under the penalty of fifty dollars for every month elapsed without complying with the provisions of this section.

Overseer required

1806
150, 18

25. Every person, being the proprietor of a plantation, or acting for the proprietor of a plantation, on which he employs slaves for the cultivation of the soil, shall be bound to have permanently on his plantation, or on the plantation which he oversees, a white person for each and every thirty slaves working on said plantation, to oversee the said slaves and maintain a good police among them; be it well understood, however, that the proprietor, his agent, their sons, being above sixteen years of age; and all white persons employed as mechanics shall be considered as making part of the number of men required by the present section.

Number of persons required to be on a plantation.

1814
32, 1

26. It shall be the duty of the parish recorder at least twice a year, and at such time as he shall think proper, to visit the plantations within his parish on which there are more than thirty slaves, in order to secure the faithful execution of the above section, and shall make use of the declaration annually made by every slave holder, as shown by the assessment roll,

To secure an execution of the provisions of the preceding section.

1814
32, 2
1814
32 3

to ascertain whether the said slave holders have faithfully complied with the provisions of the preceding section : and who-soever shall not comply with the provisions of the said section, shall on conviction thereof be condemned to pay a fine not less than one hundred dollars, and not exceeding five hundred dollars, to be recovered on motion of the attorney of the district within which the said offender may reside, one half to the benefit of the informer, and the other half of the parish in which the said offender may reside. Any planter who shall refuse when required to give to the parish Recorder a statement of the number of white persons employed by him on his plantation under the provisions aforesaid, shall be considered as an offender against the same, and shall on conviction thereof be condemned to pay the same fine imposed by this section, which fine shall be recovered and applied in the manner hereinbefore prescribed.

Slaves not permitted to buy or sell or to hold any goods, &c on his own account.

1827
66, 1

Proviso.

Oath.

27. No slave shall be permitted to buy, sell, negotiate, trade or exchange any kind of goods or effects, and no slave shall be permitted to hold any barge, pirogue, or boat, or manage or bring up for his, the said slave's, own use, any horses, mares, or horned cattle, under the penalty of forfeiting the whole ; and any person or persons whatsoever shall have authority to seize and carry away from every such slave, such goods, articles, barges, pirogues, boats, horses, mares, and horned cattle, and deliver them to the justice of the peace residing nearest to the place where said seizure shall take place ; and the said justice shall administer oath to the said person who shall make the said seizures, concerning the manner in which the said seizures shall have been made ; and if the said justice shall think the said seizure shall have been made according to the tenor of this section, he shall pronounce and declare that the effects so seized shall be forfeited and sold at public auction, and that the money arising from the sale shall be paid by the persons entrusted with the making of said sale into the hands of the treasurer of the parish where the aforesaid seizure or sale shall be made, and for the benefit of said parish ; Provided, that if any thing so seized shall be proved to have been stolen or found, or otherwise to have come into the possession of said negroes, without the knowledge, accord, consent or permission of the person who has claim to the property, the said goods shall be restored to the said person, upon said person making oath before a justice as aforesaid, who is authorized to administer the said oath in the form following :

"I, A. B., solemnly swear, that I have just and lawful right and title to certain effects, seized and taken by C. D., in the possession of a slave named E., and I sincerely swear and declare that I will not suffer, directly or indirectly, that the said slave, or any slave whatever, shall use or employ the said goods for the use, benefit, profit or advantage of any slave whatever, or sell, change or give the said goods, but that the said goods were in the possession of the said slave by theft, being found, or otherwise, and that they are to be kept bona fide for my use, or for the use of E. F., a free person, and not for the benefit of any slave whatever. So help me God."

Which oath shall be exacted according as the case may be ;

Provided also, that every person shall be permitted, who may be a proprietor, or having the management of any slave who resides or actually works in any part of this State, beyond the limits or boundaries of New Orleans, to give permission to such negro to sell or exchange in New Orleans or elsewhere in this State, the goods and effects of the said proprietor, or other person having the care or management of the said slave; Provided, that in the said permission, the quantity and the quality of the goods and articles which may be entrusted to the said slave, are particularly and distinctly specified; And provided, said permission be signed by the proprietor or other person having the charge or management of the said slave.

Proviso.
1806.
150; 38.

28. Every person or persons who shall find any slave carrying corn, rice, greens, fowls, or any other provision whatever, for the purpose of selling the same, without a permission in writing, from his master, shall have a right to stop the said slave, and to seize the said provisions, on condition of immediately informing thereof the owner of such slave, which said owner shall abandon to such person or persons, the said provisions for his or their reward, or shall give them a sum of two dollars instead thereof, if the owner should agree that he has given no permission by writing: Provided, however, that if said owner should affirm upon oath, that he has given such a permission by writing, such owner shall not be compelled to give any money, or to abandon the provisions; and if, in case of any such seizure, it shall be proved that such person or persons has or have destroyed the permission of the slave, for the purpose of unjustly appropriating to him or themselves the said provisions, such person or persons shall be punished with a fine of twenty dollars, and in case of insolvency, shall be sentenced to two months' hard labor.

Certain provisions
carried by negroes
subject to seizure.
1806
150. 14

29. If any slave shall be found absent from the house or dwelling, or plantation, where he lives, or usually works, without some white person accompanying him, and shall refuse to submit himself to the examination of any freeholder, the said freeholder shall be permitted to seize and correct the said slave as aforesaid; and if the said slave should resist or attempt to make his escape, the said inhabitant is hereby authorized to make use of arms, but at all events avoiding the killing of said slave; but should the said slave assault and strike the said inhabitant, he is lawfully authorized to kill him.

1806.
150; 32

30. Every slave who shall be found on horseback, shall be liable to be immediately arrested, if he is not the bearer of a permission in writing from his master; and if he has no such permission, the said slave shall receive twenty-five lashes, after which he shall be taken back with the horse to his master, and his said master shall pay twelve cents and a half per mile for the carrying back the said slave.

Slaves found on
horseback, etc.
1806.
150, 25

31. No slave shall, by day or by night carry any visible or hidden arms, not even with a permission for so doing; and in case any person or persons shall find any slave or slaves using or carrying such fire arms, or any offensive weapons of any other

Slaves prohibited
from carrying arms
1806
150, 19

kind, contrary to the true meaning of this section, he, she or they, lawfully may seize and carry away such fire arms or other offensive weapons; but before the person or persons who shall so seize such fire arms can possess the same of right, he, she, or they shall go, within forty-eight hours after the said seizure, before the next justice of the peace, and shall declare upon oath, the manner in which he, she or they have seized the arms; and if the justice of the peace, upon the oath of such person or persons, or upon any other examination or proof, be satisfied that the said fire arms, or other offensive weapons have been seized pursuant to the true intent and meaning of this section, the said justice of the peace shall declare, by a certificate under his hand and seal, that the said arms are forfeited, and that they have lawfully become the property of the person or persons who has or have seized the same: Provided that no certificate of the above description shall be delivered by any justice of the peace, until the owner or owners of the said fire arms or other offensive weapons, which shall have been seized as aforesaid, or the overseer or overseers who shall have the said slave or slaves in charge, upon whom the said fire arms or other offensive weapons shall have been seized, as aforesaid, be duly summoned to show cause, (if they have any,) why the said arms should not be forfeited, or until forty-eight hours shall have elapsed after the citation and oath made before the said justice of the peace: Provided that the said slave or slaves do not actually carry the arms of his master to or from his plantation to with a special permission for that purpose.

Slaves kept for the
purpose of hunting.

1806
150 ; 20

Giving a note or
permit to a slave,
&c.

1806
150, 3

Penalty.

Obtaining license,
to give security.

1830
144, 6

32. Planters who keep slaves for the purpose of hunting, shall never deliver to the said slaves any fire arms for that purpose, without a permission in writing, which shall not serve beyond the limits of the plantation of the owner.

33. If any person shall give a note, or permit to any slave who is the property or under the care of another person, without the consent or against the will of the owner of the said slave, or any other person under whose charge he may be, the said person shall be liable to the penalty of fifty dollars to the owner of the said slave; and in case the said person is unable to discharge the said fine, he or she shall be condemned to public labor for the space of one month.

34. All persons whatever are prohibited from selling or in any manner whatever giving to any slave any intoxicating liquor, either for cash or in payment of some provisions, without a permission in writing from their master, which the said seller or sellers shall take care to keep at least during fifteen days for their justification, under the penalty of their being answerable for the damages which the master may suffer in consequence thereof, in addition to such other penalty for the same as may be imposed by law.

35. No person in this State shall be permitted to obtain a license to retail spirituous liquors, or to keep a tippling house, or other house of public entertainment, without previously giving bond with good and sufficient security, in the sum of five hundred dollars, payable to the Governor of this State and his successors

in office, which said bond shall be executed before the parish recorder, and be deposited in his office, and be conditioned in substance as follows: that the same shall be forfeited, and the amount thereof be recovered before any court of competent jurisdiction in this State, one half to the use of the person who shall sue thereon, and the other half to the use of the parish in which it shall be executed, should the principal in the bond contravene any one of the provisions of section one hundred and fifty nine of this title, in relation to slaves, or should such principal keep a disorderly tippling house or other house of public entertainment, or such principal permit an assemblage of more than three slaves [not belonging to himself or in his employment] at the tippling house or other house of public entertainment kept by him, or at such other place as he may be in the act of retailing spirituous liquors at. The foregoing provisions shall apply to the city of New-Orleans in this sense only, that the amount of the bond for one thousand dollars, to be given to the mayor by every person wishing to obtain a license to keep a cabaret or grog shop, by virtue of the third section of the ordinance of the City Council, approved the twenty eighth of December, eighteen hundred and twenty-five, shall be forfeited in the same manner for every violation of the said sections referred to; and for violations of the ordinances of the said City Council, relative to grog shops or cabarets, taverns, coffee-houses, billiard rooms and public boarding houses.

36. No free person of color shall be licensed to retail spirituous liquors, or to keep a tippling shop, or other house of public entertainment in this State, without complying with the provisions of the foregoing section, and without previously obtaining the sanction of the police jury of the parish in which he or they shall desire to obtain a license to retail spirituous liquors, or to keep a tippling house or other house of public entertainment, or the sanction of the corporation where one exists, and within which it is designed to retail spirits, or keep a tippling house, or other house of public entertainment.

37. No person shall be allowed to keep a grog or tippling shop, or retail spirituous or intoxicating liquors, without previously obtaining a license from the police jury, or town, or city corporation of the parish in which they shall keep such grog or tippling shop, or retail spirituous or intoxicating liquor, under the pain of being criminally prosecuted, and, on conviction, of being fined not less than one hundred dollars, nor more than five hundred dollars; and in default of paying such fine and costs, of being imprisoned not less than fifteen days nor more than four months; provided, that nothing contained in this section shall be construed to extend to licensed tavern-keepers, or keepers of billiard tables. The fines imposed by this section shall be one-third for the informer, one third for the prosecuting attorney, and one-third for the use of the Charity Hospital; and the informer shall be a competent witness in all prosecutions under this section, whenever such informer shall abandon his share of the fine to the State for the use of the said hospital, or any other charitable institution.

1831
23, 1
1830
144, 7

Free persons of color retailing spirituous liquors, condition of permission.

1830.
144. 7.

Penalty for selling spirituous liquors without license.

1832.
162. 7 and 6.

No slave to be
carried to a free
State.

1842.
314. 9.

Penalty.

Slave going into
a free State without
permission, etc.

1842.
314. 10.

38. No inhabitant of this State shall carry or knowingly permit to be carried away any slave belonging to him out of this State into any other State or foreign country, by the laws of which slavery is not tolerated, and all slaves carried out of this State, in contravention to this section, shall be subject to all penalties and regulations provided for by law against free persons of color; and in case such slave or slaves be subject to a mortgage or privilege in favor of any creditor, said creditor shall have the right to sue in damages the owner of said slave or slaves for a sum not exceeding one thousand dollars for each slave thus carried out of the State; but nothing herein contained shall be construed to apply to any slave, who, contrary to the consent and will of his master, shall have gone out of the limits of the State into any other State or territory of the Union, or in any foreign country where slavery does not exist.

II.

AS TO PATROLS AND RUNAWAYS, &c.

Police juries au-
thorized to establish
patrols for the
police of slaves.

1821
10, 1

39. The police juries shall alone have the right (except within the limits of the incorporated cities and towns of the State,) of organizing and establishing patrols for the police of slaves in their respective parishes, and of making the necessary regulations on that subject.

Patrols authorized
to enter on planta-
tions.

1818
10, 2 and 3

Penalty for preven-
ting the same.

40. The patrols ordered by the police juries shall have the right to enter on all plantations to visit the negro huts; and any inhabitant, his overseer or his representative, who shall prevent or forcibly oppose said patrols, when they shall proceed to visit the negro huts, shall, on conviction thereof, be condemned to a fine not exceeding one hundred dollars, nor less than twenty dollars, to be recovered on information before any court of competent jurisdiction, for the use of the parish.

Authority of patrol.

1807
8, 5

Proviso.

41. The said patrols are hereby authorized to arrest and imprison all persons whom they shall meet committing any disorder or disturbing the public peace, and all vagabonds and suspicious persons; and it shall be the duty of the commander of patrols immediately to inform thereof the neighboring justice of the peace; Provided, that if the individuals arrested are runaway slaves, the patrols shall have a right to the compensation fixed by law for arresting the same.

Duty of every per-
son taking up a
runaway slave.

Duty of justice of
the peace with re-
gard to runaway
slaves.

Fees.

1848
166, 1 and 4

Application of
the law.

42. Every person taking up a runaway slave shall immediately convey the same before the nearest justice of the peace, who shall either commit said slave to the parish prison, or send him to the owner, employer, or overseer, if known, who shall pay the person taking up the said slave; and for officer's fees, the rates hereafter specified, to wit: For taking up slave in the woods, six dollars; for taking up on the road or plantation, three dollars; for mileage in all cases, going and returning, ten cents per mile; for magistrates committing, one dollar; for feeding slave when confined, twenty-five cents per day; for magistrate for receiving proof of ownership, one dollar; for delivery to owner by jailor, fifty cents. The rates above specified, and no others, shall be charged for the taking up, confinement, etc., of runaway slaves, and this law shall also apply to all incorporated towns and cities,

and all laws or parts of laws contrary to this section, be and are hereby abolished.

43. The jailor shall have every slave by him placed in confinement as a runaway, advertised in the nearest newspaper, three times, in the English and French languages, making the advertisement as brief as possible, so as to give a full description of the slave confined, with his name, the name of the owner and place of residence, if known, or as given by said slave; and on the owner's payment of the same the jailor shall produce the printer's receipt for the payment of the advertisement, or the paper with said advertisement contained therein.

Duty of the jailor
1848.
166. 3.

Advertising slaves
in confinement.
1826.
90. 1.

44. All expenses incurred by the jailor, except feeding slave, shall be made item by item, and such expenses confined to what is absolutely necessary for the preservation of the runaway slave from sickness or death, and said bill of items shall be sworn to by the jailor, and the said oath shall be in writing, signed and attached to said bill so rendered; provided, that if said slave be put to work in the public works, or otherwise, the owner shall not pay any thing for the feeding of said slaves, but that their labor shall compensate for the same.

Bill of fees.
1848.
166. 3.

Proviso.

45. The keeper of the jail of a parish where a runaway slave may be caught, shall pay in cash, or by giving his bond for every runaway slave delivered into his hands, to the person or persons, whether free or slave, who may have caught said runaway, the rates specified in section forty-two preceding, and the whole, with the costs and expenses of the jailor, shall be afterwards paid by the master of the slave.

Duty of keeper of
jail in certain cases.
1806.
150. 27.

46. The slaves arrested while running away, shall be employed at hard labour, to wit: those carried to New Orleans, as may be directed by the Mayor and City Council; and those confined in any jail out of the city, as may be directed by the police juries of the respective parishes, on condition that the said city council and police juries shall provide for the maintenance, house room, clothing, and medical attendance of said negroes, at the expense of the city or parish where said negroes may be employed; provided, that in the parishes where the said negroes cannot be employed usefully, the expenses for maintenance shall be discharged by the owner of said slaves.

Certain slaves
how employed.
1806.
150. 23.
1816.
24. 1.

47. Every justice of the peace is authorized in his district, upon information or evidence received under oath, to go personally, or to send an order to any constable, or any other person, requiring him to order the attendance of such a number of persons as he may think proper to disperse any number of runaway slaves, or others who may act against the public peace, and also to search all such places where arms, ammunition, or stolen goods may be supposed to be concealed, and to apprehend all slaves who may be suspected of having committed crimes of any nature whatsoever, and to prosecute them pursuant to law. And every constable or other person who shall be so required by the justice to aid or assist, and shall refuse to obey, without lawful cause, shall be condemned by said justice, in a fine of twenty dollars.

Duty of justice of
the peace, in dis-
persing unlawful
assemblages, in
making searches,
&c.
1806.
150. 34.

III.

DEPÔTS, PRISONS FOR RUNAWAYS, &c.

Depots of runaway slaves established,

1826.
90. 1
1827.
30. 1
1833.
81. 1
1847.
79. 98. 1
1827.
90. 1

48. In consequence of the difficulties attending the recovery of runaway slaves in this State, arising from their being detained for months in prisons at a distance from the domicils of their masters, or from the slaves changing their names or concealing those of their masters, therefore,

The police jail of the city of New Orleans, and the public prisons in East Baton Rouge and Alexandria, the jail of the parish of Ascension, the jail of the parish of St. Landry, the jail of the town of Plaquemines, in the parish of Iberville, and the parish jail in the parish of St. Tammany, town of Covington, shall be depots for the reception of such runaway slaves as may have been detained for thirty days in any of the jails of this State, (without having been claimed by their master) after the public advertisements made of their arrest and detention, according to law.

When runaway slaves shall be sent there.

1826.
90. 2

49. Whenever a runaway slave shall not have been claimed by his master or by his attorney, within the period above fixed, the said slave shall be sent by the sheriff of the parish in which he may be detained to the sheriff or keepers of one of the aforesaid prisons or depots nearest the residence of the owner of said slave or slaves, if known, or if unknown, to the depot nearest the parish jail where said slave may have been apprehended, and the sheriff shall receive for his mileage going to and returning from said depot, ten cents a mile; a fee bill of which expenses shall be deposited in the hands of the sheriff or keeper of the depot to whom said slave may have been delivered, to be paid as provided by law.

Account of expenses, by whom paid,

1826.
90. 3

50. The bill of all the expenses incurred for arresting and keeping the said slave that shall be sent to one of the above mentioned depots, shall be paid to the keeper of the said depot, at the time that the slave shall be delivered over to him; and the amount of the said costs, as well as of those which shall have been paid at the depot, shall be paid by the owner at the time that he shall take away the said slave, or else deducted out of the proceeds of the sale, if not reclaimed, as the case may be.

Runaway slaves, employed at the public works.

1826.
90. 4

51. The corporations of the cities and towns in which the said depots are respectively, are authorized to employ the said runaway slaves to labor at the public works; Provided, however, the said corporations shall be obliged to maintain at their own expense the said slaves, during the time the said slaves may have been so employed.

Keepers of police jails in the three municipalities, their duty, &c.,

1845,
77; 1

52. It shall be the duty of the keepers of the police jails of the three municipalities of the city of New Orleans, to advertise in French and English in the State paper and in the official gazette of the municipality in which said jail is situated, once a week, during three consecutive months, such slave or slaves, whose owners are unknown, or reside out of the State of Louisiana, as now are or may hereafter be detained in their respective jails, and whether arrested within the parish of Orleans, or brought thither from any of the jails of this State.

53. It shall be the duty of the sheriffs or keepers of the said

prisons or depots in the parish of Ascension, in the parish of St. Landry, in Plaquemines, in the parish of Iberville, and in Covington, in the parish of St. Tammany, to advertise in French and English in one of the public papers printed in their respective parishes, for the space of three months, once a week, such runaway slaves as have been delivered to them from any of the jails in this State.

Runaway slaves
to be advertised.
1826,
90; 5

54. In case the owner or owners of any slave or slaves, arrested as runaway and detained in the said police jails of the three municipalities of New Orleans, and which have been twelve months held in imprisonment, should not claim them, after they have been duly advertised for three consecutive months as aforesaid, it shall be the duty of the council of the municipality in whose jail said slave or slaves may be detained, to cause the same to be sold at auction for whatever they will bring for cash after thirty days advertisement in the above mentioned official gazette; and should the owner or owners of any runaway slave or slaves, detained in the prisons or depots in the other parishes of the State, not claim said slave or slaves within two years from the date of the first advertisement in the newspapers, the sheriffs or keepers of the said depots shall cause the said negroes to be sold, by and with the leave of the judge of the district court of their respective parishes, at public auction to the highest bidder, after three advertisements successively in the newspapers according to law; and out of the proceeds of the said sales, the sheriffs and jailers into whose custody the said slaves shall have been placed, shall be paid for the expenses which may be due to them, either for money advanced when they took charge of said runaway slaves, or for fees belonging to them, which said fees shall be fixed by the order of the judge of the first district court of New Orleans, in New Orleans, and by the judge of the district court of the parish in which there is a depot, in the rest of the State; and the proceeds of said sales over and above the part thus disposed of, shall be by the said councils, and by the said sheriffs, respectively, deposited in the hands of the Treasurer of the State; and said proceeds thus delivered to the Treasurer of the State, shall be kept for the use of the owners of the said slaves; Provided, said money be claimed by the said owners within one year and one day from the date of the sale of the said slaves; and in case said money should not be claimed within the above mentioned time, then said money shall be applied to public use, as may be directed by the legislature of the State.

To be sold when
not reclaimed,
1845,
77; 2 and 3

1806.
150; 29
1826:
90; 6

55. The police jury of each parish in which there is a depot, except the parish of Orleans, shall each year appoint two inhabitants, owners of slaves in said parish, whose duty it shall be to superintend the management of said depots, and to make at each session of said police juries, a report of the manner in which slaves lodged in said depot are treated: and the superintendence of the depot in New Orleans shall be entrusted to a committee, appointed annually by the city council, which committee shall report to the said city council every three months.

Persons appointed
to superintend.
1827.
30, 4

III.

THEIR INTRODUCTION INTO THE STATE, ETC.

No statu liber to
be imported.
1842.
316; 12

Penalty.

Prohibition of the
purchase of statu
liber.
1845
316, 13

Penalty.

Unlawful to in-
troduce slaves that
have been accused
of conspiracy or
insurrection.
1829.
48, 13.

Children of ten
years of age or un-
der, not to be intro-
duced separately
from their mothers.
1829
48, 15

56. It shall no longer be lawful to bring into this State any slave entitled to freedom at a future period, or a "statu liber;" and any person who shall bring, or cause to be brought such slave or statu liber, contrary to the true intent and meaning of this section, shall be liable to criminal prosecution, and on conviction shall be punished by a fine not exceeding one thousand dollars, and imprisonment not exceeding six months, or both, at the discretion of the courts, and shall, besides, be compelled to pay the expenses of conveying the said slave back to the place whence he was brought here, or elsewhere out of the State.

57. It shall not be lawful for any person residing in this State, knowingly to purchase any such statu liber, and any person so purchasing shall forfeit the slave thus purchased, and shall be liable for all the expenses of transporting said slave out of the State, and the said slave shall be sold for the time he has to serve, and on the condition of his being transported by the purchaser out of the State: one half of the proceeds to go to the informer, and the other half to be paid into the State treasury, on a suit brought by the attorney general, or by any district attorney, or, on the refusal of the attorney general or district attorney, by any person interested in the forfeiture, or any other citizen.

58. It shall be unlawful for any person, whether a citizen of this State or not, to introduce for any purpose, or under any pretext whatever, any slave or slaves who shall have been accused of any conspiracy or insurrection, or who had resided in any county of any State or Territory of the United States, during the time of any conspiracy or insurrection in such county; and any person who shall have been convicted of having introduced any slave or slaves accused or resident as aforesaid, shall be fined in a sum not less than one thousand dollars, nor more than five thousand dollars, and shall suffer imprisonment for a period not less than one, nor more than five years: Provided, that when more than two years shall have elapsed from the time when the said conspiracy or insurrection shall have taken place, the prohibition enacted by the present section shall not extend to slaves who may have been residing in the said county at the time when said conspiracy or insurrection took place, and were neither engaged or accused of having had any agency therein.

59. No slave child or children, ten years of age, or under, shall be introduced into this State, unaccompanied by his, her or their mother, if living, under the penalty, on conviction thereof, of a fine, not less than one thousand dollars, nor more than two thousand dollars, and of imprisonment not less than six months nor more than one year, and the person or persons so convicted shall moreover forfeit the slave or slaves so illegally introduced or brought into this State, which may be unsold in his or their possession, which slave or slaves shall be publicly sold, after a notice of twenty days, by the sheriff of the parish, when such forfeiture may have been pronounced, one-fourth of the nett proceeds of which shall be to the use of the informer, and the remainder to the use of the State; and in all trials for a violation of this sec-

tion, the burden of proving the age of such child or children, and that his, her or their mother was dead at the time of introducing them, shall be on the person accused.

60. It shall be lawful to prosecute to conviction and punishment, any person accused under the provisions of the two preceding sections, at any time within three years after the commission of the offence.

Offences against
this act, punishable
at any time within
three years.
1829
48, 14

61. It shall be unlawful to introduce into this State any slave, whether negro, mulatto or person of color, from any of the territories or states of the United States of America, who shall have committed any capital crime in the said territories or states; and it shall be the duty of every justice of the peace of the parishes of this State, whenever it shall be proved to his satisfaction that a slave, whether negro, mulatto, or person of color, shall have been imported or introduced into the State in contravention of this prohibition, to have the said slave taken into custody, and to proceed immediately into an inquiry of the proofs of the said capital crime, in the manner prescribed by law for the trial of slaves; and upon the said slave being duly convicted of having perpetrated any capital crime as aforesaid, he shall be sentenced to hard labor for life, and shall be delivered over to the proper officer to be so employed according to law. And every person who shall import into this territory any slave, who shall have been convicted as aforesaid of having perpetrated any capital crime out of this territory, shall pay a fine of one thousand dollars for every slave thus by him imported, one-half whereof shall be to the benefit of the informer, and the other half to the benefit of the treasury of this State; and the said fine shall be recovered before any court of competent jurisdiction. All the costs arising from the trial of any slaves, in the case mentioned in the present section shall be paid by the person having or claiming any rights to the service of the said slave.

The introduction
of slaves convicted
of any capital
crime, prohibited.
1810
44, 1 and 2

62. No slave shall be imported or brought into this State, who shall have been convicted of the crimes of murder, rape, arson, manslaughter, attempt to murder, burglary, or having raised or attempted to raise an insurrection among the slaves in any of the States of the Union or elsewhere; and if any such should be, they shall, on conviction thereof, be seized and be condemned to hard labor for life, and shall be delivered over to the proper officer to be so employed; and every person who shall import or bring into this State such slave, knowing that they have been convicted of the above mentioned crimes, shall upon conviction before any court of competent jurisdiction, be fined for each and every such slave, in the sum of five hundred dollars, one-half to be applied to the use of the State, and the other half to the use of the informer.

Importation of
slaves convicted of
certain crimes out
of the State, prohi-
bited.
1817
44, 1
1842
522, 8
Fine against the
importer.

63. No free negro or colored person who shall have been convicted of any crime and sentenced to serve a term of years shall be imported or brought into this State; and if any such should be brought, they shall be seized and sold to the highest bidder for cash, for the same term of service that they have been condemned to serve from whence they have been brought; one half of the purchase money to be applied to the use of the State and

Importation of free
negroes convicted
of certain crimes
prohibited.
Sold when so im-
ported.
1817
44, 2

the other half to the use of the informer ; and every person who shall import or bring into this State such free negro or colored person who shall have been condemned as aforesaid, knowing it, shall upon conviction before any court of competent jurisdiction, be fined in the sum of five hundred dollars for each and every one, one half thereof to be applied to the State, and the other half to the use of the informer.

Fine against the importer.

Fine against captains and masters transporting them to this State.

1817

44. 4

Forfeiture of vessel

64. Any captain or master who shall receive on board of his vessel, boat, flatboat, or pirogue, raft, or other water craft, and transport to this State any of the slaves or other persons mentioned in the two preceding sections, knowing that they were sentenced or convicted as aforesaid, shall be condemned to pay a fine of five hundred dollars, one half for the benefit of the State, and the other half for the benefit of the informer ; and moreover, that every vessel, boat, flatboat or pirogue, raft or other water craft, on board of which such slaves or other persons shall have been transported, as also the tackle, apparel and furniture of said vessel shall be forfeited to this State.

Fine against the sellers and purchasers of persons so illegally imported.

1817

44. 5

Burthen of proof on the importer.

1817.

44. 6

Proviso.

65. Any person who shall have been convicted of having bought or sold any of the said slaves or other persons as above described, knowing that at the time of sale or purchase, the said slaves or said other persons were of the number of slaves or other persons whose introduction is prohibited by law, shall be condemned to a fine of five hundred dollars, one half for the benefit of the State, and the other half for the benefit of the informer.

66. In all cases arising under the four preceding sections, the burden of proof shall be on the person who imports, or brings or claims the said slaves or free persons ; Provided that in all cases the production of the certificate of the clerk of the county from whence they are imported or brought, accompanied with the certificate of the Governor of this State, shall be received as prima facie evidence.

Act of Congress, prohibiting the importation of slaves, &c., provisions in relation thereto.

1818

66. 1

67. Whereas by the fourth section of the Act of Congress of the United States, approved on the second day of March, eighteen hundred and seven, entitled, "an act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January in the year of our lord one thousand eight hundred and eight", it is, among other things, provided that any negro, mulatto, or person of color, who may have been decreed by any circuit or district court of the United States, to have been imported into the United States or territories thereof, in violation of any of the provisions of the said law, shall remain subject to any regulations not contravening the provisions of the said act, which the legislatures of the several States or territories may make for disposing of any such negro, mulatto, or person of color ; and whereas by the seventh section of the said act, it is among other things provided, that every negro, mulatto, or person of color, found on board of any ship or vessel seized, taken or brought into port for condemnation, under and by virtue of any of the provisions of said section, shall be delivered over to such person or persons as shall be appointed by the respective States to receive the same ; therefore, the sheriff of the parish of Orleans, for the time being, shall

and is hereby authorized and required to receive any negro, mulatto, or person of color who may be delivered to him under and by virtue of the provisions of the before in part recited act of Congress, and the same safely to keep in such manner as his best judgment and the interests of the State may require, until the circuit or district court of the United States pronounce a decree upon the charge of their illegal importation.

68. The decree of the circuit or district court of the United States for the Louisiana District, properly certified and authenticated, condemning any ship or vessel for any negro, mulatto, or person of color, in violation of any of the provisions of the before in part recited act of Congress, shall be taken and considered by the sheriff of the parish of Orleans for the time being, as a sufficient warrant to sell or cause to be sold as a slave for life, any negro, mulatto, or person of color, so adjudged to be illegally imported; and the proceeds of such sale shall, after deducting all charges, be paid over by the said sheriff, one moiety to and for the use of the commanding officer of the capturing vessel, and the other moiety to the treasurer of the charity hospital of New Orleans, for the use and benefit of said hospital.

69. The sale of any negro, mulatto, or person of color, as provided for by the preceding section, shall be by public auction, and on at least ten days notice, to be published in the official gazette in the city of New-Orleans, in the French and English languages.

IV.

TO PREVENT THEIR BEING CARRIED AWAY AGAINST THE WILL OF THEIR OWNERS.

70. No master or commander of any ship, vessel or other water craft, shall transport or attempt to transport any negro, mulatto, man or woman, or other person of color, out of this State, on any pretence whatsoever, until he shall have produced the said negro, mulatto, man or woman, or person of color, before the mayor, if in the parish of Orleans, or before the recorder of the parish in which his ship, vessel or water craft shall lie, and shall have made out and lodged with the said mayor or recorder, a written declaration, signed by him, and containing a description of the said negro, mulatto, man or woman, or person of color, together with his name and surname, probable age, and alleged place of birth or residence, and the port to which the said master or commander may be bound; and until he shall have satisfied the said mayor or parish recorder by an authentic written proof, or by the oath of two credible witnesses residing in said parish, or the affidavits made before the recorder of the parish from whence said negro, mulatto, man or woman, or person of color is come, by two credible witnesses domiciliated therein, that the said negro or mulatto, man or woman, or person of color is free, or until he shall have produced to the said mayor or parish recorder the written directions of the owner of such negro or mulatto, man or woman, or person of color, commanding or permitting him to carry him or her out of this State; and when the said master or commander shall have so done, it shall be the duty of the said mayor or parish recorder, as the case may

Operation of the
decree of the U. S.
Court.

1818.

66, 2

The sale of negro
&c., under the fore-
going provisions, to
be by auction.

1818

66, 3

Masters of vessels
forbidden to trans-
port negroes, etc.
out of this State,
until, etc.

1816

8. 3

be, to keep and retain the said declaration in his office, and to grant him a written certificate thereof.

Penalties for violating the provisions of the foregoing section.

1816

8, 4

71. Every master or commander of a ship, vessel or other water craft, neglecting or refusing to perform the formalities required by the preceding section, shall pay and forfeit the sum of five hundred dollars for every slave by him so carried or attempted to be carried away out of this State, one moiety to the State, and the other moiety to the informer, to be recovered with costs, by information filed in any competent court; and moreover, such master or commander shall be liable to the suit of the party aggrieved, for his or her damages; and in both suits, the said master or commander shall give bail or surety for his appearance.

Duty of commander when slaves are discovered concealed on board his vessel.

1816.

8. 5.

1816.

8. 1.

72. If any master or commander of any ship, vessel, or other water craft, happens to discover any slave or slaves concealed on board, it shall be their duty, if still in the river, or within the limits of this State, to land the said slave or slaves at the nearest place, and there to deliver him, her, or them, to any judge, justice of the peace, sheriff, jailor, or in defect thereof, to any inhabitant of the said place, that he, she, or they, may be sent to their master; and if the said master or commander refuses or neglects to perform what is required in this section, he shall be liable to a criminal prosecution, and on conviction thereof, shall suffer imprisonment, at hard labor, for a term not exceeding seven years, and not less than three years; and moreover the said master or commander shall be sentenced to pay all the damages that the owner or owners of the said slave or slaves may have suffered thereby, which damages shall be assessed by the same jury which shall give their verdict on the criminal prosecution.

Judges, &c., may issue search warrant, in certain cases.

1816.

8. 7.

73. It shall be lawful for any judge or justice of the peace to issue a warrant to search on board of any ship, vessel, or other water craft, whenever any person shall apply for the same, and shall swear before him that he has strong reasons to believe and suspect that some slave or slaves of his own, or belonging to some person for whom he is acting, by virtue of a power of attorney, or duly authorized to claim such slave or slaves, as the case may be, is or are concealed on board of such ship, vessel, or other water craft, and whensoever a positive oath shall be taken, that any slave or slaves be hidden or concealed in any houses, plantations, and other places, any judge or justice of the peace shall have the right of issuing said search warrant; provided, that in both the above-mentioned cases, the search warrant granted expressly mention the name of the ship, vessel, or other water craft, or the particular place, house, or building, in which the search is to be made.

Slaves carried out of the State by the captain, &c., to be landed, &c.

1835.

152. 1.

1816.

8 1 and 5.

74. If any slave or slaves be carried out of this State, by any master or commander of any steamboat, ship, vessel, or other water craft, in this State, or any other person on board of any such steamboat, ship, vessel, or other water craft, or from one part of the State to another, without the consent of the owner, and without the said slave or slaves being landed, as soon as discovered by the master or commander of such steamboat, ship, vessel, or other water craft, at the nearest place,

and delivered to some judge, justice of peace, jailor, or in defect thereof to any inhabitant of the said place, that he, she, or they may be sent to their master; in addition to the remedy given to the owner of said slave or slaves, against the persons mentioned herein, in preceding section, the owner shall be entitled, besides, to sue the owners of said steamboat, ship, vessel, or other water craft, before any court of competent jurisdiction, by ordinary action, or attachment, or any other mode of proceeding known to our law, and recover the full value of the slave or slaves so carried away, with damages; and the said owners shall be considered bound jointly and severally to make good such claim.

75. Suits may be brought and prosecuted to execution against all the persons mentioned in the preceding section at the same time; but a recovery and payment under execution or otherwise, of the value of the slave or slaves so carried away, with damages, from any one of the persons mentioned in this act, shall be a bar to any further civil proceedings on the part of the owner against each and all the others mentioned in the said sections.

76. No suit shall be instituted against any of the persons mentioned in the six preceding sections, unless the same be commenced within five years after the violation of the law.

77. The owner of any slave or slaves so carried away, shall have a tacit lien upon the steamboat, ship, vessel, or other water craft, on board of which his slave or slaves were carried away, into whatsoever hands the said steamboat, ship, vessel, or other water craft may have passed, and which lien shall date from the time of the completion of the voyage in which said slave or slaves were carried away.

78. If any person finds one or more of his slaves on board of a ship, steamboat or other vessel, destined to make voyages out of this State, or from one part of the State to another, and said slave or slaves be on board without the written consent of the owner, the captain, master, and proprietors of said ship, steamboat, or other vessel, whether the said slaves have been transported out of the State, or from one part thereof to another part, or are on the point of being so transported, whether the said slaves have been hidden or not, on board of the said ship, steamboat, or vessel, shall be presumed to have received said slaves on board of their vessel, or to have hidden them [or to have suffered them to remain on board,] with the intention of depriving their masters of them, and of transporting them out of the State or from one part of the State to another. And this presumption of law shall not be destroyed but on the testimony of at least two witnesses, not employed on board of said vessel, and on corroborating circumstances.

79. The owners, masters and captains of the said ships, steamboats or other vessels shall be responsible to the owners of the slaves thus taken away and lost, for a fine of five hundred dollars per slave, besides the value of the slaves that shall have been taken away from their masters who shall have lost them, which fine shall be recoverable before any judge of competent jurisdiction. The said fine shall be incurred, when the said slave or slaves

Owner of steamboat, &c., may be sued.

Suits may be brought against all the persons mentioned in preceding section.

1835
152, 2

Time within which suit must be instituted.

1835;
152; 4

Tacit lien on the vessel, in favor of owner of slaves, &c

1835
152, 5

Slaves on board vessels without permission.

1840.
89, 1

Presumption against master of vessel.

1840
89, 1

Penalty and responsibility against owners of vessel, &c.

1840
90 2

Further responsibility of captain and owners.
1840

4

shall have been found aboard without a written permission from their owners: And the owners, masters and captains of the said ships, steamboats and other vessels shall be considered as responsible in solido and individually to the owners of the slaves for their value, and the amount of the fine mentioned in this section. Besides the value of the slaves who shall have been taken away or lost, and the fine imposed in this section, their owner may receive from the owners, masters and captains of the said ships, steamboats, or other vessels, all damages that he may have suffered, and the said masters, captains and owners shall be responsible in solido and individually for the damages.

Privilege on ship in favor of owners of slaves, &c:
1840

3 and 5

80. The owner of any slave thus transported or found aboard without the written consent of the said owner, shall have a tacit privilege on the said ship, steamboat or other vessel on board of which the slave shall have been transported or found, without reference to the person in whose possession or charge the said steamboat, ship, or vessel may be.

V.

THEIR CRIMES, AND THE TRIAL OF THEM.

I. THE TRIBUNALS FOR THEIR TRIAL.

In the parish of Orleans.

1846

114 1

1825

206, 1

1842

212 4

1843.

91 1

Who presides over deliberations of the jury.

1843.

92. 2

Clerk of tribunal.

1843.

92. 4

Duty of District Attorney.

1843.

92. 3

81. Such slaves as may be accused of capital crimes shall be tried, in the parish of Orleans, by a tribunal composed of the judge of the First District Court of New-Orleans, and six inhabitants, freeholders in said parish, chosen and convoked by said judge, who shall form and constitute a jury.

82. The said district judge, who shall preside at the trial of any slave, shall take no part in the deliberation of the jury, but shall, in the conduct of the trial, exercise such powers and perform such acts as are now exercised and performed by other judges of the State presiding on the trial of criminal cases.

83. The clerk of the said first district court shall discharge the duties of clerk to said tribunal.

84. It shall be the duty of the district attorney for the district in the said parish of Orleans, when notified by said judge, charged with said trial in the said parish of Orleans, to attend thereat and prosecute in behalf of the State, either by himself or his appointed deputy; and in default of such attendance, it shall be lawful for the presiding judge to appoint some licensed attorney to act as prosecutor for the State.

Oath.

1808.

199. 4

85. The said district judge shall take the following oath: I, A. B., do solemnly swear, in the presence of Almighty God, that I will truly and impartially examine and judge the prisoner or prisoners (at the bar) who may be brought before me, in the suit now depending, and that I will on my part honestly and faithfully carry into effect the laws of the State concerning slaves, to the best of my knowledge and abilities: so help me God."

And the said judge, having taken the above oath, shall administer the same to every freeholder who shall be assembled as aforesaid, shall proceed to the examination or trial of such slave or slaves as shall be brought before them.

Verdict, rendered.

how

86. In order to convict the accused, the said jury must unanimously concur in a verdict, to be by them signed; on which ver-

dict the said district judge shall endorse the sentence thereon pronounced and rendered.

87. Such slaves as may be accused of capital crimes shall be tried in the parishes of the State other than that of Orleans, by a tribunal, to be composed of two justices of the peace and ten owners of slaves, resident in the parish where the crime or crimes may have been committed.

88. Whenever it shall be necessary to try a slave or slaves, accused of a capital offence, in any parish other than that of Orleans, the justice of the peace before whom complaint shall have been made, shall notify a justice resident in an adjoining ward, of the charge or charges that have been exhibited against such slave or slaves, and shall require such justice to attend at his office the day after the receipt of such notification, or as soon afterwards as practicable, for the purpose of choosing ten persons, owners of slaves, to assist at the trial of the accused; and such justices shall select ten owners of slaves, resident in the parish, who shall be summoned to assemble on a day not to exceed the third from the date of such summons, or as soon thereafter as possible, for the purpose of forming the tribunal designated in the preceding section.

89. Such summons shall be served by the sheriff or one of his deputies, or by any constable of the parish in which the trial is to take place; in case of vacancy in the office of sheriff or any interest of such officer in the proceedings, they shall be served by the coroner; and in case there be neither sheriff nor coroner, or both be interested, or should there be no constable in the ward in which said tribunal is to sit, then by such officer as said justice may appoint; and the attendance of such jurors shall be enforced in the same manner as that of other jurors may be enforced by the courts of this State.

90. One justice and nine jurors shall be constituted a quorum for the trial of slaves accused of capital offences, and the sentence of such a quorum shall be subject to appeal as in other cases; in case a sufficient number of jurors should not appear on the day and hour fixed for trial, then the justice present shall have power to complete the quorum by summoning forthwith from the vicinity, the requisite number of qualified jurors.

91. The following oath shall be taken by the said justices and owners of slaves, viz: "I, A B, do solemnly swear (or affirm, as the case may be) that I will truly and impartially examine and judge the prisoner (or prisoners,) who may be brought before me, and that I will on my part carry into effect the laws of this State concerning slaves to the best of my knowledge and ability: so help me God."

92. All the members of the court, established as aforesaid for the trial of slaves accused of capital crimes in the parishes of the State other than that of Orleans, shall have a voice in determining the guilt or innocence of the accused, but a unanimous concurrence shall be required to convict or acquit. In case, however, such court shall not convict or acquit the accused of an offence punishable with death, it shall have the power to de-

1843.
90. 1

Accused of capital crimes, how tried, in the other parishes,

1846.
114. 1
1825.
266. 1

Duty of justice before whom accusation is brought.

1846
114; 2

Tribunal of owners of slaves.

Manner in which the summons shall be served in the trial of slaves.

1846,
114. 4
1847.
215, 1

Quorum.

1846
114, 115, 15, 5

Oath

1846
114, 7

Members of court to be unanimous.

1846
115, 9

cree the infliction of such corporeal punishment as it may consider deserved by the prisoner.

Sentence.

1846

114, 8

93. In case the offender or offenders shall be convicted of any crime punishable with death, the said justices, or justice as the case may be, shall sign a sentence to that effect, which sentence shall be put in execution by and with the concurrence of the jurors assisting at the trial.

Trial of offences
not capital.

1846

115, 12

94. If any crime or offence not capital shall be committed by any slave, he shall be tried by a tribunal composed of a justice of the peace and two proprietors of slaves, who shall be summoned by the justice to attend at the day and hour fixed for such trial; under the same penalties to which jurors are subject when they refuse or neglect to attend to courts of this State.

Affidavit made before
arresting a
slave.

1846

115, 13

95. Before any slave shall be arrested, to be tried according to the foregoing provisions, it shall be necessary that an affidavit be made by some person or persons, who shall swear to the truth of such allegations as may be sufficient to justify a prosecution.

District attorney
to prosecute.

1846

114, 6

115, 12

96. The district attorney shall prosecute all slaves who may be accused of capital crimes in the said parishes; he shall be notified of the day of trial and informed of the charge alleged, and on the trial shall exhibit to the court a brief statement in writing of the accusation; he shall read the law to the court, and shall conduct the prosecution in every other respect. In cases not capital, the attendance of the district attorney shall not be required.

The persons excluded
from tribunal.

1806

190, 1

97. No member of the said tribunals shall be either the proprietor of, or relation within four degrees of consanguinity, to the owner of any slave or slaves so prosecuted.

Discretion of jury
in cases of capital
offences.

1843

92, 7

98. In all cases where capital punishment or imprisonment at hard labor for life is inflicted for any crime committed by a slave, the jury or tribunal trying the same shall, in its discretion, pronounce sentence of death, imprisonment at hard labor for life, or for a shorter term in prison, or in irons in the service of his master, or order that corporeal punishment be inflicted.

2. IN RELATION TO THEIR TRIAL.

Mode of proceeding
on complaint, &c.

1806

190, 1

1825

206, 2

99. The said judge or justices or justice of the peace, on complaint or information received, shall commit the slave or slaves accused to the care of the jailor of the parish wherein the said offence was committed, and shall summon by order or warrant, the above mentioned number of freeholders or of owners of slaves as the case may be, to assemble and meet together on a certain time and at a certain place, which time shall not exceed three days after the arrest of said slave or slaves, unless delayed from any just cause, in which case their trial shall take place as soon as possible after the expiration of said time.

The tribunal, its ac-
tion, &c.

1806

190, 1 and 2

100. When the tribunal, as ordained by law for the trial of the crime or crimes charged, shall be duly assembled, constituted and qualified, it shall order the slave accused to be brought to the bar, and shall hear the charge alleged against the accused, and his defence, and proceed to the examination of witnesses or other evidence, and shall finally determine the case then before them, in the most accurate and expeditious manner.

101. The slaves shall be prosecuted in criminal cases, without its being necessary to make their owners parties thereto, unless the said owner be an accomplice.

How prosecuted in
certain cases.
1806
150 17

102. The said judge and the said justices, or either of them, are hereby authorized and required to summon and oblige all persons whatsoever to appear and give evidence, if competent so to do, in all prosecutions of slaves; and if any person so summoned shall neglect or refuse to appear, or appearing shall refuse to testify; or if any master or other person having the charge or government of any slave or slaves, shall hinder such slave or slaves from appearing and delivering testimony in any such prosecution, the said justices or either of them are authorized and required to fine such person so offending in a sum not to exceed one hundred dollars, nor to be less than fifty dollars, and to imprison him for a period not to exceed thirty days, as well as to have the slave so hindered taken by the officer in attendance and brought into court to testify.

Persons required
to give evidence.
1806
190 13
1846
114 1

103. The evidence of all free Indians under oath, and that of every slave under oath, shall be received and admitted in evidence for or against, in all trials of slaves, who may be accused of any crime or offence whatsoever, the weight of which evidence being maturely considered and compared with the corresponding circumstances in the cause, shall be left to the consciences of the members of the said tribunals.

Penalty for hinder-
ing slaves from gi-
ving evidence.

Evidence.
1846
190, 5

104. No proceedings had in the trial of slaves shall be annulled or impeded by any errors of form.

Proceedings.
1846
115. 14
1806
190 20

105. When any slave or slaves shall have been found guilty of a crime punishable by death, it shall be the duty of the justices of the peace presiding, or of one of them, or of any judge so presiding, to cause such slave to be appraised, and to make known such appraisement to the Auditor of Public Accounts.

Slave found guilty
to be appraised. &c
1846
114, 115—10 and 1
1823
16, 2
1806
202 12

3.—THEIR CRIMES.

106. Any slave who shall wilfully and maliciously strike his or her master or mistress, child or children, or any white overseer appointed by his or her owner to superintend said owner's slaves, so as to cause a contusion or shedding of blood, shall be punished with death.

Striking master,
etc., so as to pro-
duce contusion,
shedding of blood,
etc.

1840
18. 2.
1806
190, 9

107. If any slave shall strike a white person, the said slave, having had and stood his trial, and having been convicted thereof, according to law, for the first and second offence shall receive such punishment as the tribunal authorized to judge the said offences shall in their discretion think proper: Provided that such sentence does not extend to the privation of life and limb; but for the third offence, the said slave shall suffer death; and whenever any slave shall have grievously and wilfully wounded or mutilated any white person, although it prove to be the first offence, such slave shall suffer death: Provided that the blow, wound, mutilation or bruises are not made or committed in defence of the person or property of his master, or of the person having charge of him, or in whose care he may then be, in which case the said slave shall be entirely justified.

Striking white
person.
1806
190, 15

108. If a slave shall shoot at or stab any person, with an in-

Shooting at, etc. with intent to kill. 1816. 145, 3
tent to kill him or her, such slave, on conviction of either of said offences, shall suffer death: Provided, always, that the presumption as to the intent shall be against such slave, unless he shall prove the contrary.

Cutting or wounding, attempting to drown, etc. 1843. 92, 6
109. Any slave who shall, with a dangerous weapon, and with intent to kill, cut or otherwise wound any person, or who shall attempt maliciously to kill, by drowning or strangling, on due conviction thereof shall suffer death.

Burning, etc., stacks of rice, etc. 1806. 190, 7
Burning build- ing, etc. Poisoning. Rape
110. If any slave shall maliciously burn or destroy any stacks of rice, corn, or other grain, or produce, raw or manufactured, of this Territory, or shall set fire to, or willingly or maliciously burn or destroy any building or house, or shall wilfully or maliciously poison, or maliciously administer poison to any free man, woman, child, servant, slave, or shall commit a rape upon the body of any white woman or girl, such slave shall suffer death.

Insurrection. 1843. 92, 5
18, 6
19, 11
111. Every slave who shall make, or cause to be made, any insurrection in this State; or any slave who shall encourage, move to or excite any insurrection or revolt in this State, or who may be in anywise concerned in instigating to the same, on due conviction thereof, shall suffer death.

Homicide. 1806. 90, 11
112. Any slave who shall kill any person, unless by accident, or in the act of defending his master or other person under whose charge or care he may be, shall be punished with death.

Attempt to commit a rape. 1818. 18, 1
113. If any slave shall attempt to commit a rape on the body of any white woman or girl, the said slave shall, on conviction thereof, suffer death.

Revolt against overseers, etc. 1806. 190, 10
114. Any slave who shall, directly or indirectly, revolt or rebel against any white overseer, appointed by his master to superintend the conduct of his slaves, or against a free overseer, or slave, should he be struck by him, or another by his orders, shall be punished with twenty-five lashes, and to work in the fields for two years, with a chain around his leg; and should there be any contusion or shedding of blood, then said slave shall be punished with fifty lashes, and shall work in the fields for four years with a chain around his leg; and in case of death the culprit, and accomplices, if any, shall suffer death.

Slaves to be punished at the discretion of the court. 1829. 164, 3, 1 and 2.
Burning of public works of a corporation, etc.
115. If any slave or slaves shall wilfully and maliciously set fire to or burn, or attempt to burn or otherwise destroy any public work or works belonging to a corporation, other than those for the burning of which he could be prosecuted for arson, such slave or slaves shall, on conviction, suffer corporeal punishment, at the discretion of the court, not extending to death, and his, her or their owners shall be responsible in damages to the full amount of the value of such slave or slaves.

Slaves, how punished for offences committed with consent of owner. 1829. 164, 2
116. Whenever the offences mentioned in the previous section shall have been committed by a slave, with the consent or connivance of his owner, or of any other free person, such slave or slaves so committing said offence, shall, on conviction, suffer corporeal punishment not extending to death or mayhem, and the person or persons so consenting or conniving, shall be responsible in damages to the full amount of the value of the property so injured or destroyed.

117. If a slave shall attempt to poison any person or persons, or to set fire to a dwelling-house or other building, such slave, on conviction thereof, shall be imprisoned in irons, and at hard labor for life.

Attempt to poison, or at arson.
1816
146. 4

118. If an overseer or other white person representing the owner of a plantation, is threatened, insulted or struck by any slave of the said plantation, such offence shall be punished by the tribunal by law charged with the punishment of crimes committed by slaves, at their discretion, according to the gravity of the case.

Threatening or striking overseer.
1807

119. If any slave shall cut, pull down, burn, destroy or carry away any tree, wood or timber, growing or lying on the land of another, or cause the same to be done by his orders or directions, without the consent of the owner or legal possessor thereof, he shall, on due conviction thereof, be condemned to receive thirty-nine lashes: Provided, however, that nothing contained in this section shall be so construed as to authorize the punishment of a slave for the acts above mentioned, who shall have acted under the express orders of his owner, master or person having a legal command over him.

Destroying wood timber, etc.
1844.
79, 1 and 3

120. No slave shall sell, barter, exchange, give or deposit, or offer to sell, barter, exchange, give or deposit to any free person, any species of property whatever, without the authority of his, her or their owner or owners, specially setting forth the articles to be sold, or in absence of the owner or owners, without the written authority of the overseer or other person having charge of such slave or slaves, under the penalty of corporeal punishment not exceeding twenty stripes for the first offence, and forty stripes for the second offence, or any subsequent offence, to be inflicted by the order of any justice of the peace, town constable or officer of patrol, having the police of slaves in this State: Provided, that nothing herein contained shall be so construed as to forbid the selling, or exchanging, or depositing by slaves employed by their owners, or employed as regular market persons, of articles in the regular market place, or other place authorized by the police regulations of the parish or town, as the case may be; Provided such slave be permitted by a general permit by such owners or employers, in which the article or several species of articles in which they are allowed to deal are mentioned.

Slaves not to sell without a written authority.
1830.
144, 1 and 5

121. If any slave shall willingly place any obstruction or obstructions upon any railroad or railway, he shall, on conviction of said offence, be condemned to receive twenty-five lashes in the jail of the parish in which said offence shall have been committed, and moreover to wear a chain in the service of his master, for the term of twelve months; and it shall be the duty of the sheriffs of the different parishes in which the owners of said slaves might have their domicile, to see that the full execution of the above mentioned penalties be carried into effect.

Proviso.
May be employed as market persons.

Obstructions on railroads by slaves.
1833.
138 1

4.—RESPECTING THEIR PUNISHMENT.

122. The Governor and the Senate shall have the power to commute the punishment of death into a lesser punishment, in favor of slaves who may have been condemned for a capital offence, whenever recommended to the mercy of the government,

Commutation of punishment permitted in favor of slaves.
1823
16, 1

by the tribunal which tried the offender; and whenever the circumstances of the case are such as to entitle the offender to such commutation.

Execution.
1806.
190. I.
1846.
115. 10.

123. Where an offender shall be convicted of any crime which is by law punishable by death, the said tribunals shall pronounce sentence to that effect, which sentence shall be put in execution by their orders, at such a period as they shall direct; and the execution shall take place within the walls of the prison, all persons excluded, except the public officers charged with the duty, by order of the tribunal pronouncing the sentence.

Sentence to irons.
1816.
148. 7.

124. Whenever a slave shall be sentenced to irons, at the service of his master, said slave shall be delivered to his said master, after having been put in irons at the expense of the parish, where he shall have been tried; and the said master shall be served with a copy of the said sentence by the sheriff of the said parish, in order that he may comply therewith; and, in case said master, after having been thus served with a copy of the said sentence, should take upon himself to release his said slave from irons, under any pretence whatsoever, and before the time fixed by the said sentence, the said slave shall be forfeited and sold, one-half to the benefit of the State, and the other half to the benefit of the informer.

Commutation of sentences.
1843.
92. 8.

Duty of sheriff.

125. Whenever a slave shall have been sentenced to imprisonment, at hard labor for life, or for a shorter term, or whenever the punishment of a slave sentenced to suffer death, shall have been commuted by the Governor and Senate to imprisonment, at hard labor, it shall be the duty of the Sheriff of the parish where the trial was had, on the receipt of a proper order from the tribunal pronouncing the sentence, accompanied by a certified copy of verdict, and of judgment thereon, or from the Governor showing such commutation of the punishment of death, to deliver such slave into the possession of the person having charge of the State convicts, who shall receipt to him therefor.

VI.

DUTY OF THE STATE IN CERTAIN CASES, WITH RESPECT TO CITIZENS, SLAVES, AND OWNERS.

Persons wounded, &c., while in pursuit of negro, &c.
1806.
150. 36.

126. If any person shall be wounded, disfigured, or disabled, when in pursuit of a runaway negro, or one who may be charged with any crime, or when on any duty imposed by law in relation to slaves, the said person shall receive from the public such reward as the Legislature of the State shall think proper; and if the said person should be killed, his heirs, if he is free, or his owner, if he is a slave, shall receive the aforesaid reward.

Slave who shall discover, &c., any plot, &c.
1806.
208. 19.

127. Whenever any slave shall discover or disclose a plot, rebellion, rising in arms, or mutinous assemblies, or any other crime tending to subvert or endanger the public tranquility or safety, he shall, if the facts he advances be proved to be well founded, obtain his liberty as a reward for his fidelity, and moreover such further recompense as the Legislature shall think adequate to the service rendered; and if such conspiracy be disclosed by a free man, he shall receive a reward proportioned to the importance of the discovery, which recompense shall be paid out of the public monies in the treasury of the State.

128. All slaves killed while run away, or killed in actual rebellion, or executed in consequence thereof, shall be at the loss of the owner only.

Loss sustained by owner.

1813.

16. 1.

1814.

18. 1.

129. All slaves sentenced to death or perpetual imprisonment, or whose sentence of death may have been commuted to perpetual imprisonment, in virtue of the existing laws, excepting such slaves as are taken in actual rebellion, shall be paid for out of the public treasury, provided the sum paid for each slave shall not exceed three hundred dollars; and the auditor of public accounts, when the appraisement of any such slave or slaves, made as required by law, shall be made known to him, shall issue his warrant in favor of the owner of any slave, who may have been, or shall be convicted of a capital crime, on proof of the execution of such slave, or of delivery of said slave into the State penitentiary, which proof shall be made to appear by the return of the officer charged with the execution of the judgment of the court convicting such slave. The warrant or warrants thus issued shall be paid out of any money in the treasury not otherwise appropriated, or that may have been or shall be appropriated to compensation for slaves capitally convicted or executed.

Sentenced to death or perpetual imprisonment, how paid for.

1813.

16. 2.

1846.

114. 115.

10 and 1.

1823.

16. 2.

1847.

216. 2.

How owner shall be indemnified.

130. The owner or owners of slaves who shall have been sentenced to perpetual imprisonment, or whose sentence may have been commuted to perpetual imprisonment, previously to receiving the payment of the value thereof, as provided by the foregoing section, shall convey to the State his, her, or their right of property in and to said slave or slaves.

Duty of owner of slaves, convicted.

1830.

128; 2 and 1.

1823.

16. 2.

VII.

THEIR EMANCIPATION.

131. No person shall be compelled, either directly or indirectly, to emancipate his or her slave or slaves, but in the case only where the said emancipation shall be made in the name of and at the expense of the State, by virtue of an act of the legislature of the same.

No compulsory emancipations.

1807

82. 1

132. No person shall emancipate any of his or her slaves born out of this State, unless said slave or slaves be thirty years of age, and unless, besides, he, she, or they have, during the four years previous to the day of his, her, or their emancipation, led an honest conduct, without having ran away, and without having committed any robbery, or having been guilty of any other criminal misdemeanor; Provided, the conditions required to be complied with by the present section be not necessary in cases when the slave or slaves to be emancipated shall have saved the life of their master, of his wife or of any of his children.

Conditions on which emancipation may be permitted.

1807

82, 2

1827

12, 3 and 1

133. It shall be the duty of every person who intends to emancipate any one of his or her slaves, to declare to the judge of the district court of the parish in which he resides, or if he resides in New Orleans, to one of the judges of one of the district courts therein, that the said slave or slaves to be set free have the age, and have led the conduct requisite by the preceding section, to entitle them to their emancipation. It shall be the duty of the said judges to issue immediately an order that the

Duty of emancipator.

1807

82, 3

following notice be posted up in their respective parishes, both in the French and English languages, to wit :

Form of notice.

"A N, inhabitant of the of having intention to emancipate his or her slave or slaves (male or female) named and years of age, every person who may have any legal opposition to said emancipation, are required to file said opposition in the office of the court of said , within forty days from the date of the present notice.

"[Signed,]

M R,

"Sheriff of the Parish of ."

Proceedings there-
after.

After the expiration of said delay, if there be no opposition, or if the judge decides that the oppositions made are not valid, it shall be the duty of said district court to authorize the petitioner to cause the instrument of such emancipation to be made, which said emancipation shall be valid to all intents and purposes, unless the same should be contested afterwards, as having been made with a view to defraud creditors, minors, or people either absent from the territory or residing out of the parish in which notice of such an intended emancipation was given; and this intention to defraud creditors shall always be presumed, if at the time of the emancipation taking place, the donor had not property sufficient to pay his or her creditors, except the slave or slaves emancipated.

To be valid, un-
less, &c.

When null and
void.

1807
82, 4

134. Every act of emancipation made contrary to the provisions of the preceding section, shall be null and void; and the proprietor who shall have consented thereto, and the public officer who shall have passed said instrument, shall both, on conviction, forfeit the sum of one hundred dollars, the half of which shall be to the benefit of the informer, and the other half to the treasury of the State.

Obligations of act.

1807
82, 5

135. Every act of emancipation of slave or slaves, shall include with it the tacit but formal obligation on the part of the donor, to nourish and maintain said slave or slaves by him or her thus emancipated, when said slave or slaves shall be in want, owing to sickness, old age, insanity, or any other proved infirmity. And if in such case said donor should refuse to fulfil this obligatory duty of humanity, it shall be the duty of any judge to whom such a refusal shall be made to appear and be proved, to condemn said donor to pay every month to the emancipated slave or slaves by him or her thus abandoned, such sum as said judge may, in his discretion, determine sufficient to assure the subsistence, the maintenance and treatment of said emancipated slave or slaves, during the whole time that he, she or they shall be unable to provide for their own maintenance and support.

When made by last
will and testament.

1807
82, 5

136. When the emancipation of any slave or slaves shall be made by testament or other act of last will, the formalities or conditions prescribed by law for their emancipation shall be fulfilled by the testamentary executors, administrators, heirs, or representatives of the testator.

Slaves under thirty
years of age, eman-
cipatd in certain
cases.

137. Every person desiring to emancipate a slave, born in this State, who shall not have attained the age of thirty years, prescribed by the 185th article of the Civil Code, shall be bound to present to the president of the police jury of the parish wherein

such person shall reside, or to the recorder of the municipality, if he resides in one of the municipalities of the city of New Orleans, a petition, in which he or she shall explain the motives which induce him to wish the emancipation of said slave; which petition shall be submitted by the said president of the police jury to the police jury of the parish, or by the said recorder, to the council of the said municipality, as the case may be, at their next meeting; and if three-fourths of the members elected of the said police jury, together with the president, or of the said council, together with the recorder, be of opinion that the motives are sufficient to allow the said emancipation, (which shall be certified in the manner and form requisite for the other deliberations of police juries and of the city councils, the petitioners shall be authorized to proceed to the formalities required by the Civil Code, although his or her slave has not attained the age of thirty years; Provided, that nothing contained in this section shall be so construed as to dispense the owner of any slave with the formalities prescribed by the existing laws.

138. Any person or persons who shall emancipate his, her or their slave or slaves, shall enter into bond, with at least one good and sufficient security, in the sum of one thousand dollars for each and every slave intended to be emancipated, conditioned that the slave or slaves emancipated, shall permanently depart from the State within one month from and after the passage of the act of emancipation; and in default of the slave so emancipated refusing or neglecting to depart from the State within the time prescribed by this section, the said bond shall become forfeited, one-half to the person denouncing and the other half to the State, the penalty of said bond to be recovered by motion before any court of competent jurisdiction: Provided, that nothing contained in this section shall be held to extend to any person who shall be emancipated in consequence of meritorious services rendered to the State: and provided further, that when a slaveholder shall have obtained the consent of the police jury of the parish in which he resides, or of the council of the municipality in which he resides, to emancipate a slave for long, faithful or important services, rendered to himself or family, such owner shall be dispensed from furnishing the said bond, and the slave so emancipated shall not be compelled to leave the State; Provided, however, that the consent of the police jury, or of the council above mentioned shall be given by the three-fourths of the members thereof, at two successive meetings, and who shall set forth in writing their motives for granting the same. In the event of the forfeiture of the bond mentioned in the preceding section, the slave emancipated shall be subject to a special privilege for the payment of the same.

139. All statu liberi now in the State shall, when they become free, be transported out of the State at the expense of their last owner, by proceeding before the district court at the suit of any citizen; and such statu liberi, when transported out of the State shall, on returning into the State, be liable to all the penalties provided by law against free negroes or persons of color coming into the State.

1827
13, 1 and 3
1847
81,
1846
105, 4

Proviso.
1827
12, 2

Owners of emanci-
pated slaves to give
security, &c.
1830
90, 10

Proviso.
1831
98, 2
1830
90, 11

Statu liberi.
1842
316, 14

VIII.

CRIMES AND OFFENCES OF FREE PERSONS, WITH RESPECT TO SLAVES.

Killing a slave.

1806.

190; 16

1805.

416, 1

140. If any person whatsoever shall wilfully kill his slave, or the slave of another person, the said person being convicted thereof, according to law, shall suffer death.

Cruel punish-
ments of slaves.

1806.

190, 16 and 17

141. If any person should inflict upon any slave, any cruel punishment, except flogging, or striking with a whip, leather thong, switch or small stick, or putting in irons, or confining such slave, the said person shall forfeit and pay for every offence, a fine not exceeding five hundred, and not less than two hundred dollars; and if any slave be mutilated, beaten or ill treated, contrary to the true intent and meaning of this section, when no one shall be present, in such case the owner or other person having the charge or management of said slave thus mutilated, shall be deemed responsible, and guilty of the said offence, and shall be prosecuted without further evidence, unless the said owner or other person so as aforesaid, can prove the contrary by means of good and sufficient evidence, or can clear himself by his own oath, which said oath every court under the cognizance of which such offence shall have been examined and tried, is hereby authorized to administer.

Beating slaves,
etc.

1806.

150; 33

142. If any slave, employed in the lawful service of his master, overseer, or other person having charge of the said slave, shall be beaten by any person or persons not having sufficient motives or lawful authority so to do, (of which motives the court shall be the judge,) every person thus offending shall pay for every such offence a fine of ten dollars to the parish; and if the slave shall be mutilated, or rendered in consequence of the blows so given, incapable of working, the person so offending shall, besides the fine above levied, be obliged to pay the master of the said slave the sum of two dollars per day for every day's work lost, and the care of the said slave: and if any slave be forever rendered incapable of work, then, and in that case, the offender shall be compelled to pay the value of said slave, according to the appraisement made by two freeholders, inhabitants, appointed by each of the parties; and in case said parties do neglect to appoint such appraisers, within three days after being requested so to do, then said appraisers shall be appointed by the court; and the slave thus disabled shall be forever maintained at the expense of the person who shall have thus disabled him, which person shall be compelled to maintain and feed said slave, agreeably to the duty of masters towards their slaves, as established by law; Provided, that should the offender be unable to pay the said fine and expenses incurred, the judge who shall have pronounced the sentence in the said affair, shall condemn the offender to prison, for a period not less than one month, or exceeding one year.

Mutilating.

Separating mo-
ther from child,
under ten years of
age.

1829.

48, 16 and 6

143. If any person or persons shall sell the mother of any slave child or children, under the age of ten years, separate from said child or children, or shall, the mother living, sell any slave child or children of ten years of age, or under, separate from said mother, such person or persons, on conviction thereof, shall

suffer a fine not less than one thousand dollars, nor more than two thousand dollars, and an imprisonment of not less than six months, nor more than one year, and shall moreover forfeit the slave or slaves related as aforesaid to the slave or slaves sold as aforesaid, which may be unsold, in his possession, which slave or slaves shall be publicly sold, after a notice of twenty days by the sheriff of the parish where such forfeiture may have been pronounced, one fourth of the net proceeds of which shall be to the use of the informer, and the remainder to the use of the State.

144. If any master or mistress shall wilfully and intentionally neglect to give information against, or refuse to give up his or her slave or slaves who shall have been guilty of wilfully and maliciously striking his or her master or mistress, or his or her master's or mistress's child or children, or any white overseer appointed by his or her owner, to superintend said owner's slaves, so as to cause a contusion or shedding of blood, said master or mistress shall, upon conviction thereof, forfeit and pay the sum of five hundred dollars, one half of which shall be given to the informer or informers, and the other half to and for the parish in which the offence shall have been committed, and be imprisoned until the same is paid.

Concealing of
fences of.
1814.
22, 2, 3 and 4

145. In case the master or other person having charge or management of a slave who shall be accused of any capital crime, conceals or causes to absent himself, any such slave, so that he cannot be secured and brought to justice, every such master, owner or other person so offending, shall forfeit the sum of two thousand dollars, if such slave be accused of a capital crime, as aforesaid; but if such slave be accused of a crime not capital, then such master or other person shall forfeit only the sum of one thousand dollars.

Concealing, etc.,
slave accused of a
capital crime, etc.
1806.
190; 14

1819.
62, 4

146. If any person shall, by words, action or writing, or in any other manner whatsoever, persuade, encourage or advise any slave or slaves to insurrection, against the white inhabitants of this State, or the government thereof, such person, on conviction thereof, shall suffer death.

Exciting to insur-
rection.
1806
124, 3

147. Whosoever shall write, print, publish or distribute any thing having a tendency to produce discontent among the free colored population of the State, or insubordination among the slaves therein, shall, on conviction thereof, before any court of competent jurisdiction, be sentenced to imprisonment at hard labor for life, or suffer death, at the discretion of the court.

Exciting discon-
tent.
1830
96, 1

148. Whosoever shall make use of language in any public discourse, from the bar, the bench, the stage, the pulpit, or in any place whatsoever; or whosoever shall make use of language in private discourses or conversations, or shall make use of signs or actions, having a tendency to produce discontent among the free colored population of this State, or to excite insubordination among the slaves therein, or whosoever shall knowingly be instrumental in bringing into this State any paper, pamphlet or book, having such tendency as aforesaid, shall on conviction thereof, before any court of competent jurisdiction, suffer impris-

Making use of
language, in public
or private, tending
to promote discon-
tent, among fr^e
colored persons or
slaves
1830.
96; 2

onment at hard labor, not less than three years, nor more than twenty-one years, or death, at the discretion of the court.

Fine and imprisonment of those teaching slaves to read and write.

1830.
96. 3

Attorneys for the State to sue delinquents.

1830.
96. 4 and 5

149. All persons who shall teach, or permit or cause to be taught, any slave in this State to read or write, shall, on conviction thereof before any court of competent jurisdiction, be imprisoned not less than one month nor more than twelve months.

150. It shall be the duty of the attorney-general and the several district attorneys of this State, to prosecute to the best of their abilities, each and every violation of the three preceding sections, whenever it shall come within their own knowledge, or be derived from the information of others that they have been violated; and in case the said attorney-general and district attorneys, or either of them shall refuse or neglect, under any pretence whatever, to prosecute the person or persons so offending, they shall on due proof thereof, be liable to be removed; and it shall be the duty of the judges of criminal jurisdiction in this State to give the three sections aforesaid in charge to the grand jury, at each term of their respective courts.

Harboring or concealing, &c., or breaking collars or chains, &c.

1809.
1819.
62. 5
1817.
186. 2

151. If any person or persons shall harbor or conceal any runaway slave or slaves or fugitives from their masters, knowing that they are such, or shall cut or break any iron chain or collar which any master of slaves should have used in order to prevent the running away or escape of any such slave or slaves, such person or persons so offending shall, on conviction of any such offences, be fined not less than two hundred dollars, nor exceeding one thousand dollars, and suffer imprisonment for a term not exceeding two years nor less than six months, and the offender shall moreover be liable to pay to the master or masters of all slaves, or to his representative, the sum of two dollars for every day that such person or persons shall have concealed the said slave or slaves, and moreover such person or persons shall be responsible in his or their own and proper name for every damage which the said slave or slaves may have committed during the time of his or her concealment at said person's or persons'; and if said person or persons shall not have the means to pay to the master or masters of said slave or slaves the above compensation such person or persons shall, by the judge or justice of the peace, be condemned to an imprisonment which shall not exceed three months, and which shall not be less than fifteen days.

Stealing, carrying away, or inveigling slaves.

1805.
418. 8
1819.
62. 3
1816.
9. 8

152. All and every person and persons who shall inveigle, steal, or carry away any negro or other slave or slaves, or shall hire, aid or counsel any person or persons to inveigle, steal or carry away as aforesaid, any such slave, so as the owner of such slave or slaves shall be deprived of the use and benefit of such slave or slaves, or shall aid any such slave in running away, or departing from his master's service, such person or persons so offending, on conviction of any such offences, shall suffer imprisonment at hard labor for a term not less than two years, nor more than twenty years.

Furnishing slaves with free papers.

153. Any person or persons who shall furnish any slave or slaves with any false free papers or certificates of birth or christening, falsely showing such slave or slaves to be free-born per-

sons, shall be punished for each and every such offence, as in case of forgery.

1819.
62, 8

154. If any master or commander of any ship, vessel or other water craft in this State, or any other person shall carry and convey out of the same, on board of any such ship, vessel or other water craft, any slave or slaves, the property of any person or persons of this State, without the consent of the owner or owners of the said slave or slaves, previously obtained; or shall take and receive on board of any such ships, vessels, or other water crafts, any such slave or slaves, or permit or suffer the same to be done, with the intent and for the purpose of carrying and conveying such slave or slaves out of this State; or shall wickedly and wilfully conceal or permit to be concealed on board of any such ship, vessel, or other water craft, any slave or slaves, who shall or may abscond from their master or mistress, with the intent and for the purpose of enabling such slave or slaves to effect his, her, or their escape out of this State; every such master or commander of any such ship, vessel, or other water craft, or any other person, so carrying or conveying, or so taking, receiving and concealing, or causing or permitting the same to be done with an intent as aforesaid, shall be subject to a criminal prosecution, and on conviction of any of the said offences, shall suffer imprisonment at hard labor for a term not exceeding seven years, and not less than three years, and moreover, the said master or commander, or any other person, shall be sentenced to pay all the damages that the owner or owners of the said slave or slaves may have suffered thereby, which damages shall be assessed by the same jury who shall give their verdict on the criminal prosecution; Provided, that whenever any slave or slaves shall be found on board any ship, vessel, or other water craft, the presumption shall be that such slave or slaves were concealed or received on board such ship, vessel, or other water craft, with the intent aforesaid, saving to the party accused the right of showing the contrary.

Master, &c., of
vessel, or others,
carrying, convey-
ing, or stealing.
&c., slaves out of
State,
1816
8, 1

Penalty, 1

155. If any person or persons shall carry and convey, or attempt to carry and convey out of this State by land, any slave or slaves, being the property of any person or persons of this State, without the consent of the owner or owners of the said slave or slaves previously obtained, with the intent of making such slave or slaves to effect his, her, or their escape out of this State, such person or persons, on conviction thereof, shall suffer the same punishment, and be liable to the same damages, as directed by the preceding section; Provided, that whenever any person or persons shall be found in the act of carrying and conveying, or of attempting to carry or convey any slave or slaves out of this State, the presumption shall be that the same is done with the intent aforesaid.

Carrying, &c
any slave out o
this State by land
&c,
1816,
8, 2

Penalty

156. It shall not be lawful for any pedlar or hawker or other person whomsoever to sell to or to purchase of any slave or slaves any article whatsoever, without the express permission of his or their owner or owners, or the person or manager under whose immediate care the said slave or slaves might be placed: and for each and every such offence, the pedlar or hawker, or other person so offending, on due proof thereof, shall forfeit and

Pedlars, &c., sel-
ling to, or purcha-
sing of, slaves, &c.
1809
36, 1
1824
76, 1
Penalty.

Proviso.

pay a sum not exceeding one hundred dollars, nor less than ten dollars, or be subject to an imprisonment not exceeding eight days, or to both at the discretion of the court, of committing any person or persons so offending when such person or persons shall fail to pay the fine imposed on them by said court ; Provided that nothing in this act shall be so construed as to deprive any master, mistress, or legal director of any slave or slaves of the right to recover from any person or persons so offending, such damages as he, she, or they may have sustained in consequence of any such offence or offences.

Purchasing from
slave any species of
property: &c.
1830.
144. 1 and 2

Penalty.

157. If any free person in this State, shall purchase from any slave or slaves any species of property whatever, or receive in exchange, or acquire by barter or gift, or receive on deposit, any species of property whatever, from any slave or slaves, such slave or slaves not being specially authorized in writing by his, her, or their owner or owners, specially setting forth the articles to be sold, or in the absence of the owner or owners, by the overseer or other person having charge of such slave or slaves, to sell, barter, exchange, give, or deposit the articles purchased or received in exchange, or acquired by barter, gift, or deposit, such free person or persons shall, for every such offence, incur the penalty of fifty dollars, to be recovered before any justice of the peace or other court of competent jurisdiction, one half for the benefit of the owner or owners of the slave or slaves, and the other half for the benefit of the informer, not being owner, and if owner, the whole penalty shall incur to his, her, or their benefit ; and on the trial of any such free person for acquiring by purchase, barter, exchange, gift, or deposit, any species of property from a slave, such slave not being authorized as aforesaid, to sell, barter, exchange, give, or deposit certain species of property, the fact of purchasing, bartering, exchanging, giving, or depositing being proven, it shall be presumed that such sale, barter, exchange, gift, or deposit was made without the written authority contemplated therein, unless the defendant produces in open court, in his defence, such written authority as is hereinbefore contemplated, setting forth the articles authorized to be sold, bartered, exchanged, given, or deposited.

Disturbing the
peace. &c.. by writ-
ting, printing, speak-
ing, &c.
1830
90, 9

Penalty on white
persons.

Penalty on persons
of color.

158. If any white person shall be convicted of being the author, printer or publisher of any written or printed paper or papers within this State, or shall use any language, with the intent to disturb the peace or security of the same, in relation to the slaves of the people of this State, or to diminish that respect which is commanded to free people of color for the whites, by law, or to destroy that line of distinction which the law has established between the several classes of this community ; such person shall be adjudged guilty of high misdemeanor, and shall be fined in a sum not less than three hundred dollars, nor exceeding one thousand dollars, and more over imprisoned for a term not less than six months nor exceeding three years ; and if any free person of color shall be convicted of such offence, he, she, or they shall be sentenced to pay a fine not exceeding one thousand dollars and imprisonment at hard labor for a time not less than three

years, and not exceeding five years, and at the expiration of the said imprisonment, be banished from this State for life.

159. Any trader, pedlar, hawker by land or water, tavern or grog shop keeper, or any master or owner, or any hand employed on board of any flat boat, or any water craft whatever, or any other person whatever, who shall give, sell or deliver, or cause to be sold, given, or delivered, in payment, under any pretence whatsoever, to the slave of any other person or persons, without the consent and authorization of the master or owner, or person having charge of such slave, any spirituous or intoxicating liquors, or make any bargain, agreement or contract with such slave, without the consent or authorization aforesaid, to procure, give, or deliver in payment, or under any pretence whatsoever, to any such slave, any spirituous or intoxicating liquors, either by himself or by means of a slave or of any other person whatever, shall, on conviction thereof, forfeit any license or licenses which he may have or hold under any authority of this State, and be for ever deprived of the right of obtaining or holding any such licenses, and be sentenced, moreover, to pay a fine, which for the first offence shall not be less than two hundred dollars nor more than four hundred dollars, and for the second offence not less than four hundred dollars nor more than eight hundred dollars, and the costs of the prosecution; which fine shall be paid, together with the said costs, by the person convicted, into the hands of the sheriff, in open court, immediately after the judgment of condemnation shall have been pronounced; and if the said fine and costs are not then and there so paid, the court shall order the party condemned to be arrested and conveyed to jail, there to remain until the said judgment be satisfied and the jail fees paid, or the party so confined shall be otherwise discharged by due course of law; . Provided, that said offender shall not be imprisoned less than thirty days nor more than six months; and provided that the owners of slaves, their overseers or agents, charged with the superintendence of such slaves, who shall give spirituous liquors to their own slaves, or to other slaves belonging to others under their control, either by hire or otherwise, shall not be subject to the provisions of the present section. And every trader, pedlar, hawker by land or water, tavern or grog shop keeper, or any master or owner, or any hand employed on board of any flat boat, or of any other water craft whatever, or any other person whatever, who shall violate the provisions of this section, shall be responsible civiliter, for any damages to which any slave to whom they or either of them shall have given, sold or delivered, or caused to be given, sold, or delivered, any spirituous or intoxicating liquor, may cause or occasion to the person or property of any person whatever, whilst in a state of intoxication, if the said intoxication was the effect of the spirituous or intoxicating liquor thus obtained by the intoxicated slave, and when the said intoxication shall have been the effect of spirituous or intoxicating liquor obtained from several traders, pedlars, hawkers by land or water, tavern or grog shop keepers, or masters, or owners, or hands, employed on board of any flat boat or of any other water craft whatever, or any other person whatever, on one and the

Selling, &c., intoxicating liquors to slaves.
1848 1
1832 162 1
1845

Penalty.

Persons violating the provisions of this section to be responsible civiliter
1832 162, 5

1832 162. 6

same day by any slave, in violation of this section, every trader, pedlar, hawker, by land or water, tavern or grog shop keeper, or master, or owner, or hands employed on board of any flat boat, or of any other water craft, whatever, or any other person whatever, who shall have in any degree contributed to said intoxication, by selling, giving or delivering, or by causing to be sold, given or delivered, in violation of this section as aforesaid, any spirituous or intoxicating liquor, to the slave, causing, doing, or occasioning, any damage to the person or property of any person whatsoever, shall in solido be responsible civiliter for all said damage or damages. And it shall not be lawful for any trader, pedlar or hawker by land or water, tavern or grog shop keeper, or any master or owner, or any hand employed on board of any flat boat, or of any other water craft whatever, when prosecuted or sued by virtue of this section, to plead that the spirituous or intoxicating liquor, was given, sold or delivered by any of his clerks, servants, engagé, apprentices, or slaves, without his knowledge.

Duty of certain of-
ficers to denounce
offenders.

1832
162, 2, 3, 4

Penalty.

Fines, how
appropriated.

160. In the city of New-Orleans, and all the parishes of this State, it shall be the duty of every police officer, constable, marshal, deputy marshal, sheriff or deputy sheriff, to denounce every violation of the preceding section which shall or may come to their respective knowledge; and every police officer, constable, marshal, deputy marshal, sheriff, or deputy sheriff, who, knowing of any violation of the said section, shall not denounce the same to a magistrate within twenty four hours thereafter, shall be deemed guilty of a misdemeanor, and on conviction thereof, removed from office, and shall, moreover, be sentenced to a fine not exceeding one hundred dollars, nor less than twenty-five. All contraventions of the preceding section shall, upon simple information by the District Attorney, or other attorney ad hoc, be prosecuted and tried before the District Courts of the parishes in which such contraventions shall have been committed respectively. No pedlar, hawker by land or water, tavern or grog shop keeper, shall be sworn as a juror to try any of the contraventions of the said section; and any freeholder who, after being summoned, shall neglect to appear and serve, shall be liable to a fine of twenty-five dollars. All fines to be imposed by virtue of the said section, shall be one third for the informer, one third for the prosecuting attorney, and one third to the State for the use of the Charity Hospital; and the informer shall be a competent witness in all prosecutions under this act, whenever such informer shall abandon his share of the fine to the State for the use of said Hospital, or any other charitable institution.

Admitting slave
into house, and
selling, buying, &c,
after sundown.

1838.

102. 4.

Cannot be a wit-
ness for or against
white person.

1816.

146, 1.

Cannot be wit-
ness for or against

161. Any person who shall admit in any house, or place, a slave, or shall sell to or buy from such slave, anything whatsoever, after sundown, without the leave of his owner, shall be liable to pay a fine of fifty dollars.

162. No slave shall be admitted as a witness, either in civil or criminal matters, for or against a white person.

163. No slave shall be admitted as a witness, either in civil or criminal matters, for or against a free person of color, except in case such free individual be charged with having raised or

attempted to raise an insurrection among the slaves of this State, or adhering to them by giving them aid or comfort, in any manner whatsoever.

free person of color,
except, &c.
1816.
146. 2.

164. If any pedlar or hawker shall sell any arms or ammunition whatever, to any negro, or if any such trader shall purchase any poultry, stock, or articles of any description, from any slave, without the consent of his master, mistress, or overseer, of said slave, such pedlar or hawker, on conviction of the same, before any court of competent jurisdiction, shall be rendered thereby incapable of receiving a license thereafter.

Penalty for dealing with slaves without a permit.
1820.
24, 5.

165. Every pedlar or hawker is expressly forbidden from selling, or causing to be sold, or from delivering or causing to be delivered to any slave or slaves, with or without the permission of his or her master, any kind of arms or ammunition whatever, under the penalty of a fine of five hundred dollars, or one year's imprisonment, at the discretion of the court before whom the said prosecution shall be instituted, either by indictment or otherwise, and the fines which may be recovered by virtue of this section, shall be for the benefit of the State and paid to the treasurer of the same.

Pedlars and hawkers forbidden to sell slaves, arms, and ammunition, under penalty.
1811.
52, 3.

166. In case any person of this State who may be proprietors, or may have the management or government of any slave or slaves, shall refuse or neglect providing the said slave or slaves, at their expense, with clothes, house, and sufficient nourishment, it shall be lawful for any person or persons to lodge a complaint in favor of said slave or slaves, with the justice residing nearest to the place where such slave or slaves live, or are usually employed, and the justice shall summon the parties against whom the said complaint shall be made, to appear before him, and shall inquire into, get full information, and confirmation thereof, and if the said justice finds the complaint to be well founded and true, and the said person will not exculpate him or herself, or prove their innocence of the charge alleged against them, by their oath, which the said person so informed against shall be permitted to take in all cases, where good and positive proofs of the offence are not adduced and brought forward. In this case, the said justice may give such orders for the relief of such slave or slaves as he shall, in his opinion, think fit, and shall impose upon the person or persons who shall make default in the above regulations, a fine in a sum not exceeding twenty dollars, for each offence, which fine shall be recovered by an order of seizure and sale of the personal property of the offender, restoring the overplus, if any, which fine shall be paid to the churchwarden of the parish, wherein the said offence shall have been committed, for the benefit of the poor of said parish; and it shall be the duty of said justices of the peace to inform themselves, from time to time, in what manner slaves are treated in their respective districts, and to enforce, by every means in their power, the strict execution of the present act.

Penalty for not providing for slaves
1806.
186, 39.

Fine.

How recovered.

To whom paid.

STATISTICS.

1. There shall be attached to the office of the Secretary of State, an office, to be entitled the bureau of statistics.

Creation of a bureau of statistics.
1848.
83, 1.

Duty of Secretary of State.

Salary of superintendent; his duties.

1848
83, 2.

2. The Secretary of State shall employ some competent person to superintend said office, whose salary is hereby fixed at the rate of six hundred dollars per annum, and whose duty it shall be to collect and record all information relative to the population, agricultural, and other products, resources, and commerce of the State, the mechanic arts, public education, public health, and manufactures, and such other information as may be deemed important to the State, and present the same at each session of the Legislature, in a full report.

STEAMBOATS.

I.

FOR THE SECURITY OF PERSONS.

Engineer to be appointed; his duties.

1834,
55 1.

Engineer may appoint a deputy. When.

1834,
55. 11.

1. The Governor, by and with the advice and consent of the Senate, shall appoint one engineer, who shall hold his office for two years, unless removed, as hereinafter provided, whose duty it shall be, on application, carefully and fully to examine the machinery of steamboats arriving in the port of New Orleans, and test the strength of the boilers, by hydraulic pressure, equal to three times the pressure the boilers may be supposed capable of carrying in steam, and when found in good and safe condition, shall furnish a certificate, setting forth the fact, setting forth the weight of steam that may with safety be carried, for which certificate he shall be entitled to receive, for every boat of twenty to fifty tons, five dollars; from fifty to one hundred tons, ten dollars; from one hundred to three hundred tons, fifteen dollars, and from three hundred tons, and upwards, twenty dollars. The engineer so named may, in case of sickness only, appoint in his place a deputy, who is to be approved of by the Governor, and it shall be the duty of the engineer to have an office in the city or suburbs of New Orleans.

Duties of captains, owners, &c., of steamboats.

1834.
55. 2.

2. The captains, owners, or agents of steamboats, plying within the waters of this State; shall apply for such an examination and certificate as is required in the preceding section, at least once in every three months, as far as practicable, and when it is not so, then the fact shall be shown by the owner or agent.

False certificates, or one given without examination.

1834.
55, 6.

3. For any false certificate, or one given without the thorough examination contemplated by the two preceding sections, the engineer who may be appointed to make the examination of engines shall be dismissed from office, and be fined not less than three hundred, nor more than one thousand dollars, and imprisoned not less than one, nor more than five years; and the Governor may, on satisfactory representation of the incapacity, negligence, or inattention of the engineer, dismiss him and appoint a successor, subject to the confirmation of the Senate.

Penalty:

Responsibility of captains, owners, &c.

1834.
55. 3.

4. Any captain, agent, or owner of a steamboat, who shall fail to obtain the certificate of the examination, hereinbefore provided for, shall be barred from the recovery of any claim for freight, or insurance, that may accrue, when, without said certificate, and should any loss or damage to property, in such case occur in consequence of the breaking or bursting of any part of the machinery, the owner or agent shall be responsible to the shipper for the full amount of said loss or damage.

5. The captain of any boat that may not have been examined, and for which the certificate hereinbefore required, shall not have been obtained shall, in the event of any loss or damage to property, occasioned by the breaking or bursting of any part of the machinery, be subject to a fine not less than five hundred, nor more than two thousand dollars, and an imprisonment of not less than three months, nor more than three years, and that in the event of loss of life being the result of such accident, then said officer shall be adjudged guilty of manslaughter.

Fine and penalty
1834.
55. 4.

6. When gunpowder is shipped on board of a steamboat, it shall at all times be stowed away at as great a distance as possible from the furnace; and a written notification of the fact shall be placed in three conspicuous parts of the boat; and in the event of such notification not being so exhibited, then for any loss of property, or life, for which the powder may be deemed the cause, the owner shall be liable to the penalty provided in the fourth section, and the captain to the penalties imposed in the fifth section of this title.

Notices of gun-
powder on board of
steamboats.
1834,
55. 2 and 7.

7. Any person or persons who shall ship or put on board, or cause to be shipped or put on board of any steamboat, within this State, any gunpowder without giving notice thereof at the time of making the shipment, to the master or clerk of said boat, shall be liable to a penalty of two hundred dollars, which may be sued for and recovered before any court of competent jurisdiction by the owner, captain, or clerk of said boat, for his or her own use and benefit; and, in case of any loss of property in consequence of gunpowder being on board of said boat, the shipper that shall have failed to give due notice, as herein required, shall be liable for all losses of property or damage done thereto, or for any injury done to any person or to their family; and in case of the loss of the life of any individual on board, in consequence of gunpowder being on board, the person or persons who shall have shipped the same without giving due notice thereof, shall, on conviction thereof, be adjudged guilty of manslaughter, and punished accordingly.

Shipment of gun
powder, without
notice.
1834.
55. 8.
Penalty,

8. All captains or commanders of steamboats, navigating lakes, rivers or bayous within the jurisdiction of the State of Louisiana, shall, when running during the night, be compelled to hoist each two lights, both on the hurricane deck, one forward, and the other at the stern, which lights shall be kept up without intermission, throughout the night, under the penalty of five hundred dollars for every failure or neglect to comply with the provisions of this section; to be recovered of the captain or other commanding officer of such steamboat before any court of competent jurisdiction, one-half of which penalty shall be for the use of the informer, and the other half for the benefit of the State.

Captains &c., re-
quired, while run-
ning at night, to
hoist lights forward
and aft.
1832
148. 1

9. It shall be the duty of the master and pilot of a steamboat, when descending any river or stream in the limits of this State, when within one mile of an ascending steamboat, to shut off the steam and ring the bell, and permit the boat to float upon the current of the river until the ascending boat shall have passed; and the master or owner of the ascending boat shall then assume the responsibility of steering clear of the descending boat, and

Regulation on the
meeting of boats
on rivers, &c.
1834
55, 10

be liable in damages to the extent of the injury which may be sustained from their failure so to do.

Accidents, &c.,
penalty in case of.
1834
55, 5

10. In case of any accident except such as are impossible to be foreseen or avoided, that may happen from racing, carrying higher steam, than may appear from the certificate to be consistent with safety, running into or afoul of another boat, or that may occur whilst the captain, pilot or engineer is engaged in gambling or attending to any game of chance or hazard, or whenever an accident happens from the boat being overloaded, the owner of the boat shall be subject to the penalties provided for in the fourth section of this title; and the officer or officers of said boat violating the foregoing provisions, shall be subject to the penalties provided for in the fifth section of this title.

Publication of act
on steamboats.
1834
55, 9

11. The captains of all steamboats plying within the waters of this State, or other officers commanding the same, shall be bound to post up two copies of the foregoing sections of this title, one in French and one in English, in some conspicuous part of their boats, under a penalty of one hundred dollars.

II.

RELATIVE TO THE TAKING OF WOOD BY THEM.

Captain, &c., of
steamboats liable
to damages for re-
fusing to pay the
price demanded.
1842
281, 1

12. Whenever the captain or other person in command of any steamboat shall take or cause to be taken from any wood yard any cord wood, the owner or owners of such steamboat shall pay to the owner or owners of such cord wood the price by him or them demanded for each and every cord of wood, such as it was corded on the bank of a river or other navigable water course within the limits of this State; and if the captain or other person in command of such steamboat at the time of such taking refuse or neglect to pay the price so demanded, in the current coin of the United States, then and in that case the owner or owners of such steamboat shall pay to the owner or owners of such cord wood the price thereof, together with fifty per cent. on such price, as damages resulting from the non-payment thereof; Provided, that such damages shall in no case exceed fifty dollars, unless on proof of damage to a greater amount.

Affidavit of the
owner of the wood
sufficient.
1842
281, 2

13. It shall not be necessary for the owner or owners of cord wood to furnish proof of his or their claim against any steamboat for cord wood taken, other than his affidavit, setting forth all the material facts connected with the taking of such cord wood, and refusal to pay therefor, accompanied with a certificate of the parish recorder, or of a justice of the peace in case of the absence or death of the recorder of the parish in which the affiant lives, that he is of good standing as to veracity, and is a citizen of that parish, which affidavit and certificate shall be prima facie evidence, subject, however, to be rebutted by other evidence; and any person making such affidavit falsely shall be guilty of perjury, and shall, on conviction, be punished according to law.

Claim for cord
wood first privilege.
1842
281, 3

14. The claim against steamboat owners for cord wood shall be of the first privilege against steamboats, for and during the term of eight months from the time that such claim accrues, as regards all boats running beyond the limits of the State, and three months for boats running within the limits of the State.

15. If any person belonging to any steamboat or other water craft or any person employed as servant on board of any steamboat or other water craft navigating on any river or water course in this State, or the passengers thereof, shall take and carry away firewood put up in cords, materials for fencing or building lying on the banks of any river, or other water course in this State, and place the same on board of said steamboat or other water craft, during any voyage in any river or water course, the captain, master or commander of said steamboat or water craft, shall be responsible for the act of the persons on board of his vessel, and be bound to pay such damages as may have been sustained by the party thereby aggrieved; and his vessel or water craft, the tackle, apparel and furniture thereof, shall remain subject and liable for such responsibility, in the same manner as in cases of damage occasioned by any of the crew of a vessel, the goods and merchandize on board are liable therefor.

If firewood, fencing, &c., be taken away, the master and boat, &c., responsible.

1820
86, 1

S U C C E S S I O N S , OF NON RESIDENTS.

1. The succession of persons domiciliated out of the State of Louisiana, and leaving in this State at their demise, moveable or immoveable property, or both, shall be opened and administered upon, as are those of the citizens and inhabitants of the State and the court before which such succession shall be opened shall proceed to the appointment or confirmation of the officer to administer it, under the name and in the manner pointed out by the existing laws, under the separate sections of the Code which treat of successions generally.

Successions of persons domiciliated out of the State; how opened and administered.

1842
300, 1

THE ACCEPTANCE OF MINORS.

2. It shall not be necessary for minor heirs to make any formal acceptance of a succession that may fall to them; but such acceptance shall be considered as made for them with benefit of inventory, by operation of law, and shall in all respects have the full force and effect of a formal acceptance.

Regulating the acceptance of successions by minor heirs,

1848
84, 1

THE RIGHT OF USUFRUCT WITH RESPECT TO COMMUNITY PROPERTY.

3. In all cases after the 25th. day of March, 1844, when either husband or wife shall die, leaving no ascendants descendants, and without having disposed by last will and testament of his or her share in the community property, such share shall be held by the survivor in usufruct during his or her natural life.

Survivor to hold property in case of death.

1844
1

4. In all cases when the pre-deceased husband or wife shall have left issue of the marriage with the survivor, and shall not have disposed by last will and testament, of his or her share in the community property, the survivor shall hold in usufruct, during his or her natural life, so much of the share of the deceased in said community property as may be inherited by such issue; Provided, however, that such usufruct shall cease whenever the survivor shall enter into a second marriage.

Dispositions in cases of issue of the marriage.

1844
98, 2

Proviso.

INVENTORIES.

5. Inventories when made in French, shall be as legal and binding as if made in the English language.

Inventories valid in the French language.

1825
51, 1

APPOINTMENT AND QUALIFICATION OF EXECUTORS, AND
OTHER ADMINISTRATORS, &c.

6. In testamentary successions, whenever the executor or executors named by the testator will not or cannot perform the duties or may be dead or absent, the judge shall appoint one or more dative testamentary executors, as it is provided by the 924th article No 7 of the Code of Practice, and in the same manner as if the testator had omitted to name his executor.

Dative testamen-
tary executors to
be appointed in cer-
tain cases

1842

300, 2

7. Whenever the testamentary executor named in the will shall present the petition praying for the execution and registry of the will, and should fail to pray besides for the letters testamentary, in conformity with the 931st article of the Code of Practice, then and in that case he shall be presumed to have declined the trust.

Letters testamen-
tary not granted,
unless prayed for
by the executor.

1842.

300, 4

8. Whenever the testamentary executor named in the will shall be present in the State but be domiciliated out of it, the judge shall only grant him the letters on the execution of his bond, with a good and solvent security, for such a sum and under such conditions as are required by law from dative testamentary executors.

Testamentary exe-
cutors domiciliated
out of the State to
give security.

1842

300, 3,

9. Whenever the testamentary executor or any other administrator of a succession shall suffer ten days to elapse after his confirmation or appointment, without having either qualified or caused an inventory to be at least begun, the judge shall forthwith and ex-officio appoint a successor in office, as if no such officer had been confirmed or appointed.

Administrator to
commence duties
within ten days.

1842

300, 5

10. When a succession is so small, or is so much in debt, that no person will apply for, or will be willing to accept the curatorship, or when a vacancy exists in such appointment which no one demands the nomination to, the clerk of the court in which the said succession is opened shall assume the administration of such succession. He shall cause the effects of said succession to be sold and the proceeds to be applied to the payment of its debts, the whole to be done in as summary a manner as possible, to diminish costs ; Provided this section is not to apply to successions amounting to more than five hundred dollars.

Clerks to assume
administration of
successions in cer-
tain cases.

1846

63, 2

11. Whenever a succession shall have been accepted under the benefit of an inventory, and neither the beneficiary heir or heirs, their attorney in fact, tutor or curator, will accept the administration and give the security required by law, and if, after fifteen days' notice given by order of the court in the usual manner, no one presents himself to administer upon the said estate, on giving the security required, the court shall order a meeting of the creditors of such succession to be held at the office of a notary public, for the purpose of electing syndics to administer the property of such succession ; the same deliberation shall prevail in the choice of syndics in such cases, as in the choice of syndics to administer estates ceded by insolvent debtors ; and the property of such succession shall be sold, disposed of, and administered, according to the rules prescribed by law, for the administration of estates so ceded, saving and reserving to the beneficiary heir or heirs all their right and claims as creditors of such succession, and their rights to any surplus which may

Succession, how
administered, when
no heir, &c. will
accept.

1826.

135, 7

remain after paying the debts of the succession: Provided, that nothing herein contained shall be so construed as to apply to successions not amounting to the sum of five hundred dollars, for the summary settlement of which provision is made in the Civil Code and in one of the foregoing sections.

12. In all cases where the heirs of any person deceased shall have renounced his succession, it shall be the duty of the court to order a meeting of the creditors of such succession to be held at the office of a notary public, for the purpose of determining upon what terms and conditions the property belonging to such succession shall be sold, and appointing syndics to administer the same: the proceedings relative to the property of a succession so renounced shall in all respects be conformable to those prescribed by law for the administration of property ceded by insolvent debtors.

Succession refused,
how administered.
1826
136, 8

13. In all cases of renunciations of succession by the heirs, if there shall remain a surplus after payment of all the debts, the same shall be paid over to the heirs who have made the renunciation, or their heirs or assigns, as the case may be.

Surplus after pay-
ment of debts, how
disposed of.
1826
136, 9

14. In all cases where the property of a succession may be administered by syndics under the foregoing provisions, the court shall order to be paid such reasonable sum of money as shall appear proper for the maintenance of the heirs, being children of the deceased, for the period of one year, and until their claims against the succession shall be ascertained and paid.

Maintenance of the
heirs.
1826
136 10

15. The court ordering a meeting of creditors under the foregoing provisions, may direct such meeting to be held in ten days from the time of making such order, provided it shall be made to appear to the court that the creditors residing in this State, but out of the parish, are duly represented in said parish.

Delay for the meet-
ing of creditors.
1826
136, 11

16. All the articles of the Civil Code which may be inconsistent with the provisions of the five preceding sections, shall be and the same are so far repealed.

Repealing clause.
1826
136, 12

17. All executors, administrators, curators and syndics, shall continue in office until the estate shall be finally wound up, any law to the contrary notwithstanding: Provided, that any creditor or person interested shall have the right to require that such executor, administrator or curator, shall give new or additional security, for the faithful performance of his duties, as often as once in every twelve months, and oftener if the court, on motion to that effect, may judge it to be necessary to the interest of the estate or the creditors so to do.

Executors, &c.
how long to conti-
nue in office.
1837
95, 7
Proviso.

18. Curators, administrators, tutors, and testamentary executors, who only wish to be absent for a time, ought not to lose their administration of said successions on that account; providing they leave with some person residing in the parish, or in an adjoining parish where the succession is opened, a general and special power of attorney to represent them in all the acts of their administration as curator, administrator, tutor, and testamentary executor, and deposit an authentic copy of the power of attorney, before his departure, in the office of the recorder of mortgages in and for the parish where said succession has been opened, which power of attorney shall be duly registered.

Amendment of ar-
ticle 1145 of the Ci-
vil Code concerning
curators
1847
115, 1

DUTY OF EXECUTORS, AND OTHER ADMINISTRATORS.

19. All executors administrators, curators and syndics, shall deposit all monies heretofore collected by them as such, and all monies hereafter collected, as soon as the same shall come into their hands, in one of the chartered banks of this State or in one of their branches allowing interest on deposits, if there be one in the parish, and shall keep a bank book in his official name and character, and shall on no account remove or withdraw said deposits, or any part thereof, until a tableau of distribution shall be homologated, or unless ordered by a competent court, and then only to pay such debts as may be ordered for payment; and if any executor, administrator, curator of a vacant succession, or syndic, shall fail to comply with the provisions of this section, and proof shall be made thereof by any creditor or other person interested, which proof may be administered on simple motion after ten days' notice, which motion may be filed in the clerks' office at any time, then such executor, curator, administrator or syndic, shall be condemned jointly and severally with his security or securities, to pay to the use of the estate twenty per cent per annum interest on the amount not so deposited or withdrawn without order, besides all special damage suffered, and shall be dismissed from office as executor, administrator, curator or syndic, as the case may be.

Executors, &c.
where to deposit
the monies collect-
ed by them.

1837
95 3

In what cases may
remove or with-
draw their deposits.

Penalty.

Motion to know
whether any exe-
cutor, &c., has any
funds.

1837
95, 4

20. Any creditor or other person interested, may at the regular sittings of the courts of New-Orleans, and in the country, as will during the vacation as the sitting of the court having jurisdiction, file in the clerks' office a motion to know whether any executor, administrator, curator or syndic has any funds; and such executor, administrator, curator or syndic, shall be bound within ten days to file a true statement of his account with the bank, showing the amount of funds collected by him, and on failure so to do, such executor, administrator, curator or syndic shall be dismissed from office, and pay ten per cent per annum interest on any sums for which he may be responsible.

SUCCESSIONS.

21. All executors, administrators, curators of vacant successions and syndics, shall at least once in every twelve months render to the court in which the successions administered by them is opened, a full, fair and perfect account of their administration; and on failure so to do, shall be dismissed from office, and pay ten per cent per annum interest on all sums for which he may be responsible from the date of the expiration of the twelve months aforesaid.

Accounts to be
rendered by execu-
tors, etc.

1837
95, 6

Penalty.

RELATIVE TO PARTITIONS.

22. Whenever two or more persons shall be co-proprietors of one continuous tract of land, situated partly in different parishes, any one or more of said co-proprietors may institute an action for partition of the whole of said tract in any one of such parishes.

How actions may
be brought.

1843
44, 1

Mortgages, etc.

1843
44, 2

23. In all judicial partitions, where the property is divided in kind, the mortgages, liens and privileges existing against one of the co-proprietors, shall, by the mere fact of the partition, attach

to the share allotted to him by the partition, and cease to attach to the shares allotted to his co-proprietors: Provided, however, that if any return of money be required to be made to any co-proprietor whose share is mortgaged or otherwise encumbered, by reason of the share allotted to him being of less value than the other shares, then such sums of money shall remain in the hands of the parties bound to contribute it respectively, shall be secured by mortgage on their respective shares, and be subject to the demand of those creditors of their co-proprietor who possessed mortgage or privileged claims against him, and according to the rank and priority of said creditors.

Proviso.

SALES OF THE PROPERTY OF SUCCESSIONS.

24. It shall be the duty of the judge of the court in which a succession is opened, to order the sale of all properties belonging to said succession, to be made by either the sheriff of the parish, or by such auctioneer or auctioneers as may be appointed or named by the person administering said succession; and the procès verbal of such sale or sales shall be recorded in the office of the clerk of the court ordering such sale or sales.

Sales of Succession property.
1847. 73, 1
1830. 64, 1

SUCCESSIONS.

25. The sheriff or auctioneer shall be entitled to receive as commission upon the sales made by him of all succession property, one per cent upon all sums under twenty-five hundred dollars, and the half of one per cent upon all sums over and above that amount.

Rate of commission allowed on sales.
1847 62, 2

26. No judicial or succession sale, made by auctioneers or clerks of court, or their qualified deputies, before the , shall be set aside or annulled, unless suit be instituted for that purpose, within ninety days thereafter: Provided, however, that this section shall not apply to such sales as have been made through fraud or collusion.

Certain judicial or succession sales, not to be set aside, unless, etc.
1847 62, 3

27. Nothing contained in articles eleven hundred and thirty-nine and seventeen hundred and eighty-four of the Civil Code, or in any other articles of the Civil Code or Code of Practice, shall be so construed as to prevent any executor, executrix, administrator or administratrix, curator or curatrix of vacant successions, tutor or tutrix, from purchasing at the sale of the effects of the deceased whose estate they may respectively represent when the said executor, executrix, administrator or administratrix, curator or curatrix, tutor or tutrix, is the surviving partner in community, or an heir or legatee of the said deceased, and all purchases so made shall be considered as valid and binding as though the same had been made by any disinterested third party or parties.

Articles 1139 and 1784 of Civil Code amended.
1840 123; 7
1841 30, 7

28. All purchases made before the twenty-eighth day of March, eighteen hundred and forty, at the sale of the effects of the succession of any deceased person, by the executor, executrix, administrator or administratrix, curator or curatrix, tutor or tutrix of said deceased's estate, when the said executor, executrix, administrator or administratrix curator or curatrix, tutor or tutrix, shall have been the surviving partner in community, heir or legatee of the said deceased, shall be considered as valid and

Purchases made by executors, etc. of effects of successions, when valid.
1840 123; 2
1841 30, 2

Prescription to
objection to titles,
because purchased
by executors.
1840
123, 3

binding as though the same had been made by any person or persons legally capable of contracting. No exception shall lie against the validity of titles to property, real or personal, so acquired as aforesaid, on any of the grounds heretofore enumerated, unless it shall appear to the court before whom said exception is pleaded, that a suit or suits have been instituted to set aside the same, within two years after the said twenty-eighth day of March, eighteen hundred and forty, the provisions of this section shall apply and have full force against minors, interdicted persons, and married women, saving to them their recourse against their tutors, curators or other legal representatives, should they be able to make it appear that they have suffered any loss or damage.

Proceedings in
case of absentee-
ism of ten years.
1840.
123; 6

29. Whenever the curator or attorney in fact of an absentee shall apply to the court by a petition made under oath to the best of his knowledge and belief, setting forth that the absentee has not been heard from for the space of ten years, and that he has no heirs known to him residing in the State; or when such facts relative to any absentee shall be known to the judge of the court, or due and satisfactory proofs of the facts aforesaid shall be made to him by any other person than the curator or attorney in fact; it shall be his duty in all such cases to order the sale of the property of such absentee in the same manner and on the same conditions, and the funds to be paid into the State Treasury in the same manner as in cases of vacant successions; Provided, that in every case when a curator of the absentee shall have been appointed and shall remain in the performance of his duty, it shall not be necessary to appoint a curator, but the curator of the absentee shall act as such.

Certain sales au-
thorized.
1826.
86; 1
1830
46; 2

30. Whenever any of the children of a person to whom property, acquired during the marriage of said person and his or her deceased husband or wife has been adjudicated as community property, and the mortgage resulting from said adjudication has not been annulled by a special mortgage, given according to law, on real property, not slaves, to secure the rights of the minors arising from such adjudication, shall have attained the age of majority, the property so adjudicated, or such part thereof as may be necessary, may be sold at public auction, to pay to the said children their share in the price at which the same shall have been adjudicated; and in the event a special mortgage should have been given as aforesaid, and the mortgage on the property adjudicated should have been erased, then the property so specially mortgaged shall be so sold; and in case after such a sale, the balance of the said property remaining in the hands of the father or mother, shall be deemed insufficient to cover the claim of the other child or children, who are still minors, it shall be the duty of the father or mother to whom the aforesaid property has been adjudicated, or by whom the said special mortgage shall have been given, to furnish and give upon some other valuable property an additional special mortgage, in order completely to secure the claim of said minor children; Provided, that the sale authorized by this section shall be made and the additional mortgage accepted after having obtained the consent of the family meeting,

which family meeting, in case they are of opinion that the father or mother to whom the property was adjudicated as aforesaid, cannot pay those of his or her children who have attained the age of majority, without selling the said property or any part thereof, shall have power to give their said consent and raise the special mortgage existing in favor of the said minor children upon the property thus to be sold; and provided also, that in case of insufficiency of the balance of the said property as above mentioned, the said mortgage shall not be raised until after the additional one above required to be given, accepted, and duly recorded.

31. Whenever an application shall be made by children, having attained the age of majority, to be paid their shares in the price of the adjudication of the property aforesaid, if the family meeting be of opinion that the said property so adjudicated, or the property specially mortgaged according to law to secure their rights as aforesaid, is insufficient to cover the claims of all the children in principal and interest, and the father or mother to whom the property has been adjudicated is not possessed of other real property, sufficient to supply by a special mortgage thereon the deficiency of the property adjudicated or specially mortgaged as aforesaid, the whole of the said adjudicated or specially mortgaged property shall be sold, and a division of the nett proceeds thereof made among all the children pro rata; and after the said division shall have been made, the children who shall have attained the age of majority shall be paid their respective shares accordingly, and the shares accruing to the then still minor children shall be placed in the hands of their tutor or curator, to be administered according to the rules and principles governing the administration of the property of minors by their tutors.

Cases of insufficiency provided for.
1826,
86; 2
1830,
46; 2

RELATIVE TO TAKING POSSESSION OF SUCCESSIONS, TO SUITS THEN PENDING, AND TO SUITS RELATING THERETO, AFTER PARTITION, &c.

32. In obtaining possession of the effects of a succession, the heirs shall not be permitted, under any pretence whatsoever, to have an actual delivery of any property of such succession which may be in suit, or to receive the proceeds or any monies of said succession, when there shall be claims thereon pending in said courts, unless they previously give good and sufficient security, if the plaintiff or plaintiffs in such suits require it, and file their written obligation to that effect in the court in which the succession is opened, which security shall be of one-fourth over and above the amount of the claim for money thus pending, or of the appraised value of the property thus claimed, which estimation shall be made by two appraisers appointed by the judge.

Possession not given to the heirs without security in certain cases.
1828.
150, 15.

33. All suits brought against curators and other administrators during the time of their administration or curatorship, shall, after the expiration of said time, and even after the said curators and administrators have rendered their accounts to the heirs, be and remain in the court in which the successions represented by them were respectively opened, there to be continued and tried without any additional formality, except that of making the heirs

Suits against administrators, to remain and be decided in courts of probates:
1828.
150, 14.

parties to said suits, which shall be ordered by the court on motion of any one of the parties, or on application of such heirs themselves.

Suits against heirs where brought after partition is made.

34. In any case where a partition of a succession has been or may be made, belonging to one or several heirs, who are present or represented therein, all the real and personal actions or others, which are relative to the said succession, shall be brought against the said heirs before the district court of the parish where the said succession is opened, which court shall have an exclusive jurisdiction to try the same, though the said heirs, or any of them, may reside out of the said parish.

35. In case any person or persons shall take possession of a vacant estate, or a part thereof, without being duly authorized to that effect, with the intent of converting the same to his own use, he, she, or they shall be prosecuted by information, and on conviction thereof, shall be fined not exceeding two thousand dollars, to the benefit of the State, and shall be moreover liable to pay all the debts of the said estate, exclusive of the damages to be claimed by the parties who may have suffered thereby.

Penalty for taking possession of vacant estates, without authority, with the intent to convert the same to, etc.

1820
92. 12,

36. The courts in which successions were opened respectively, shall have exclusive cognizance of all suits or actions against sureties on the bonds of appeal, and all others which they are bound by law to receive or exact from appellants and administrators, tutors, curators, and testamentary executors generally; and no such suit shall be instituted against the security, until the necessary steps have been taken to enforce payment against the principal.

DUTIES OF CLERKS OF COURTS IN PARTICULAR CASES.

Courts, &c., to have exclusive jurisdiction against sureties of administrators, &c.

1842.
123 6,

37. It shall be the duty of the several clerks of the district courts of the State, to send, at the end of every year, a list, certified under their hands and seals, of all the vacant estates, or those belonging to absent heirs, which were opened in the respective district courts, during the course of said year, with the mention of the name and surname of the deceased, the time of his or her death, the name and surname of the curators or executors of said estate, to the treasurer of the State.

Clerks to send certified lists of vacant estates, etc., to the treasurer of the State.

1846.
63, 3.

38. It shall be the duty of the clerks to make, and place on the docket of the district court, at each term thereof, a list of all such executors, administrators, tutors, curators, and syndics, as shall have failed to file accounts within the twelve months next preceding.

RELATIVE TO THE SETTLEMENT OF SUCCESSIONS FOR THE CITIZENS INHABITING CHENIERE CAMINADA AND GRANDE ISLE, IN THE PARISH OF JEFFERSON.

Duty of clerk in case of failure to file accounts,

1846.
63. 10.

39. In all successions, the property belonging to which is situated at the Cheniere Caminada, and Grande Isle, in the parish of Jefferson, and the value of which does not exceed fifteen hundred dollars, any justice of the peace of that place shall have the same powers that are granted to the clerk of the district court of the parish of Jefferson, for the settlement of said successions, and shall be entitled to the same emoluments for his services that the said clerk is entitled to, under the tariff for similar services.

40. The said justice of the peace may be commissioned by any judge of the district courts in this State to take the inventory of property situated at Cheniere Caminada, belonging to successions opened in the parish of Jefferson, or any other parish in this State.

Justices of the peace to take inventories, 1840, 111, 2,

41. In all successions opened in the parish of Jefferson, the said justice of the peace shall transmit to the office of the clerk of the district court of said parish, certified copies of all acts of procedure done by him, under the authority of the two foregoing sections, within a period not to exceed ninety days.

Duties of justices of the peace under this act,

SURVEYORS.

SURVEYOR OF THE PARISH OF ORLEANS, EX-OFFICIO SURVEYOR GENERAL OF THE STATE.

1. There shall be a surveyor appointed and commissioned, by the Governor, by and with the advice and consent of the Senate, for the parish of Orleans, who shall be ex-officio surveyor general of the State.

Appointment of surveyor of the parish of Orleans, who is to be ex-officio surveyor general.

2. Besides the scientific knowledge requisite for his profession, the said surveyor general shall possess a thorough knowledge of the French, English and Spanish languages; and he shall reside in the parish of Orleans, and be bound to keep his office in the city of New Orleans, in a fire-proof brick house, situated in one of the parts of said city where houses are most generally built of bricks.

1818
158, 1
Qualifications, &c.
1818
158, 2 and 1
Where to keep office.

3. The said surveyor general, before he enters on the duties of his office, shall produce his commission in the first district court of New Orleans, and in open court take oath well and truly to execute and perform the duties of his office, and shall give bond, with good and sufficient security, to be approved of by the said court, in the sum of six thousand dollars, payable to the Governor for the time being or his successors in office, and conditioned for the due performance of the duties of his office.

How qualified before entering on the discharge of his duties.
1818
158, 1

4. The books, papers, records, drawings, plans, plats, warrants and certificates of surveys, and all other papers purchased by the State from the estate of the late Charles Trudeau, shall be deposited in his office.

Depository of papers purchased from C. Trudeau.
1818
158, 3

5. The surveyor general, besides the private register for the parish of Orleans, shall keep a general register, in which he will record, as well the plats and reports of the operations made by him, as the plats and reports of the operations made by the parish surveyors, and certified copies of the plats and reports of surveys thus recorded, as well as of the titles and papers mentioned in the preceding section, given by the said surveyor general under his hand and the seal adopted by him, shall be entitled to full credit in all the courts of this State.

Duties.
1818
158, 10

Authorized to give copies, &c.

6. The surveyor general is hereby authorized to appoint one or more deputies, if necessary, at his own expense and responsibility.

May name deputies.
1827
124, 2

7. The surveyor general shall have and receive for his services, a salary of six hundred dollars per annum, to be paid quarterly on his warrant out of any unappropriated funds in the State treasury.

Salary of surveyor general.
1827
124, 1
1842
444, 2

SURVEYOR FOR THE PARISHES OF ST. JAMES, ASCENSION, ASSUMPTION, LAFOURCHE INTERIOR AND TERREBONNE.

Appointment of,
&c. 1832
150, 1

8. There shall be a surveyor nominated, and by and with the consent of the Senate, commissioned by the Governor, for the second judicial district, including the parishes of St. James, Ascension, Assumption, Lafourche Interior and Terrebonne; and the said surveyor shall produce his commission in the district court of the parish of Ascension, and there in open court take oath well and truly to perform and execute the duties of his office; and moreover shall give bond with good and sufficient security, to be approved of by the said court, in the sum of five thousand dollars, payable to the Governor or his successors in office, and conditioned for the due performance of the duties of his office.

Duty. 1832
159, 2 and 3
Proviso.

9. It shall be the duty of the said surveyor to perform the same services as are required of parish surveyors in the following sections. Provided, however, that he shall not be required to make reports or returns of his operations to the surveyor general of this State, but shall keep an office in the town of Donaldsonville, and shall deliver the records thereof to his successor in office; and he shall be entitled to demand and receive for his respective services, the same fees as are described and established and shall have power to appoint one or more deputies, if necessary, subject to his own responsibility.

PARISH SURVEYORS IN THE OTHER PARISHES OF THE STATE.

Appointment and
qualification of sur-
veyors for the other
parishes. 1818
158, 1

10. There shall be a surveyor nominated, and by and with the advice and consent of the Senate, commissioned by the Governor for each and every parish of this State, other than the parishes of Orleans, St. James, Ascension, Assumption, Lafourche Interior and Terrebonne, before provided for herein, who shall reside in the parish for which he is appointed. The said surveyors, before they enter on the duties of their office, shall produce their commissions in the district court of the parishes for which they shall have been respectively appointed, and there, in open court, take oath well and truly to execute and perform the duties of their office; and moreover shall give bond with good and sufficient security, to be approved of by the said courts respectively, in a sum of two thousand dollars, payable to the Governor for the time being or his successors in office, and conditioned for the due performance of the duties of their office.

To forward re-
ports of operations,
etc., to Surveyor
General. 1818
158; 10

11. The said surveyors shall be bound to forward to the Surveyor General of the State, every three months, certified copies of the operations made by them in their respective parishes.

DUTIES, POWERS, RIGHTS, AND RESPONSIBILITIES OF THE SAID SURVEYORS.

To execute all
orders of survey,
etc. 1818.
158, 4

12. It shall be the duty of the said surveyors, faithfully to execute all orders of survey directed to them by any of the courts of this State, and to make all surveys of lands lying in the respective parishes for which they shall have been appointed, and to which the United States have no claim, at the request of owners or proprietors thereof, and generally to do whatsoever in the surveying, measuring and dividing of lands may be required of them by any person wishing the same done; and in all their

mensurations, they shall be governed by the English perch or pole: Provided, however, that, in the plans and certificates of surveys which they shall make out, they shall be bound to add to every designation of an English measure the relation it bears with the measures formerly used in this State.

Their mensura-
tions, how govern
ed.
Proviso.

13. It shall be the duty of the said surveyors, whenever called on for that purpose, to re-survey and re-mark, and bound any tract of land in their respective parishes, where the old marks are defaced or are likely to decay and perish, or where, by any cause, they are destroyed, taking special care, in all such cases, to be governed by the original surveys, patents, or title deeds of such tracts, and the said surveyors shall make a plain report, and certificate of all such remarks and boundaries by them made as aforesaid, of which report and certificate they shall deliver a certified copy to the owner, if he requires it.

To re-survey and
re-mark land, when
and how:
1818
158, 6

14. It shall be the duty of a surveyor, whenever called on to make a survey, as provided for in the foregoing section, to notify the adjoining landholders of the day on which he will commence the said survey, that they may attend, or cause somebody else to attend in their behalf, if they think proper; and he shall note the same on the plat, by putting down the names of the persons notified, and the number of days' notice he gave each of them, and conform in all respects to the provisions in relation thereto contained in article eight hundred and thirty of the Civil Code.

On re-survey to
notify adjoining
landholders.
1818
158, 9

15. Each surveyor appointed as aforesaid, shall, and is hereby authorized and required to administer an oath to each of his chain carriers, faithfully and diligently to perform his duties as chain carrier, without favor, or affection, or partiality; and it shall be the duty of each of the surveyors to write the name of each of his chain carriers down on the plat made of a tract of land for which they carried the chain, in the surveying thereof.

Oath to be admin-
istered to chain car-
riers, etc.
1818
158, 8

16. It shall be the duty of the said surveyors to record, by order of dates, in a book kept for that purpose, all the plats and reports of surveys made by them; and all certified copies of the plats and reports of surveys thus recorded, which shall be given by the land surveyors, under their hand, and the seal which they are hereby authorized to adopt, shall be entitled to full credit in all the courts of this State.

To record all plats
and reports, etc.
1818
158, 10

17. The said surveyors shall be entitled to demand and receive for their respective services, the following fees, to wit:

Fees.
1818.
158, 11

For mileage in repairing to and returning from any place where a survey is to be made, per mile, twelve and a half cents.

For measuring the front of any tract of land, on any bayou or river, for every arpent, running measure, twenty-five cents.

For measuring depth line, where the line touches cypress swamps, and for measuring back lines, for every arpent, twenty-five cents.

For running a straight line, for every mile, four dollars.

For meandering a water course, for every arpent, twenty-five cents.

For every plat of a tract of land, including the record, five dollars.

For every certified copy of such plat, two dollars and fifty cents.

For planting every corner post, one dollar.

For any additional tract of land, comprehended in a plat, with surveys and boundaries established, five dollars.

For measuring every lot in a town, suburb or other place divided into lots, for every foot, one dollar.

For every original plat of any such lot, including the record, three dollars.

For every certified copy of such plat, and the certificate of survey, two dollars and fifty cents.

For every additional tract of land in a connected plat, two dollars.

Per diem of carriers and markers.
1818.
158; 7

18. The chain carriers and markers shall be allowed each one dollar per day for their services as such, to be paid in the same manner as is provided for herein for surveyors.

Fees, how and by whom paid.
1818.
158; 5

19. The fees chargeable by the said surveyors shall be paid by the party desiring the services to be performed; and where the services shall be rendered in obedience to an order of a court, in a suit therein defending, the surveyor shall make out and state an account of his fees for such services, written in words at full length on the back of one of the plats by him returned to the court; and the same shall be allowed in the bill of costs to be taxed against the losing party, as other costs; but where it shall appear that the survey or any part thereof was made at the instance of the party cast in the suit, such and so much of the said fees as accrue on the work done by the surveyor for such party shall not be taxed.

Illegal fees or charges.
1818.
158; 12

20. In case the said surveyors should demand or receive, for any of the services mentioned in the foregoing provisions, any other fees than those above fixed and established, or if the said surveyors should demand or receive any of the said fees, without having performed the services for which they shall have demanded and received them, and if the said surveyors should demand or receive any other or higher fees than those allowed to them by law, which shall be proved by the receipt of such surveyor, and under his oath upon the bible, the said surveyor shall for every such offence be fined in a sum of fifty dollars, in favor of the party aggrieved, besides the restoration of the fees so unjustly demanded and received, to be recovered with costs before any court of competent jurisdiction.

Penalty.

SURVEYOR FOR THE PARISH OF EAST BATON ROUGE.

Surveyor of East Baton Rouge may survey in the parish of Iberville.
1827.
124; 3

21. The surveyor appointed for the parish of East Baton Rouge is hereby authorized to survey in the parish of Iberville, whenever requested to do so; and the said surveyor shall keep the same records and be entitled to the same salary as the law allows him, for all surveys made in the same parish, any law to the contrary notwithstanding.

POWER OF PARISH SURVEYORS TO CORRECT ERRORS IN PLANS, DIVIDING TRACTS INTO TOWN LOTS.

If land divided into town lots be not of the same extent as the place representing it,

22. Whenever a tract of land, divided into town lots, and sold in conformity with a plan, shall not be of the same extent as that mentioned in said plan, and the difference shall be more than one thousandth part of said land, it shall be the duty of the State surveyor, commissioned for the parish where said land is situated, to

apportion, in conformity with the dispositions of the civil code, the surplus or deficit of said land, and to make a plan, pointing out, according to such apportionment, the correct dimensions of each square and the breadth of each street; said plan shall be deposited by the surveyor of each parish in the office of the clerk of the district court of the parish where the land is situated; and public notices shall be given by said surveyor in the State paper, in English and in French, during thirty days, directing all persons, interested to present their opposition to the original plan deposited, as aforesaid, to the district court, which is hereby declared competent to adjust all the conflicting claims of the parties interested; and said original plan, when not opposed within the delay aforesaid, or when modified on the opposition filed, shall be registered by the said clerk in his office, and shall be authentic evidence of the description and dimensions of said property.

duty of the surveyor.

1842.
512;

Plans, where to be deposited.

Public notices.

DUTIES OF SURVEYORS APPOINTED FOR ASCERTAINING AND FIXING THE BOUNDARY LINES BETWEEN ADJOINING PARISHES.

23. Whenever the police jury of any parish shall pass an ordinance, for ascertaining and fixing the boundary lines of any parish adjoining thereto, and shall appoint a time and place for commencing the running thereof, and shall duly serve the president of the police jury, parish surveyor, or any other surveyor appointed for that purpose by the police jury of said parish, and president of the police jury of the said adjoining parish, with a copy of the said ordinance, with notice of the time and place for commencing the running thereof six months previous to the time so fixed; then the parish surveyors of the said parishes, shall proceed to the running and marking of said boundary line, or fixing on any water course as a boundary line; and in case the parish surveyor of either parish shall fail to attend at the time and place appointed, then the other parish surveyor, after waiting two entire days, shall proceed to the running and marking of the said adjoining boundary line, or determining on any water course in part or in whole of said boundary line.

Acts. 1835.
143.

Parish surveyors, when to proceed to the running and marking of boundary lines.
1

One surveyor to act alone, in case the other fails to attend.

24. Whenever a boundary line shall have been run and marked as above prescribed, due returns thereof shall be made to the parish recorders of both the said parishes, who shall carefully file and preserve the same.

Returns to be made to the parish judges.
2,

25. Each of the said surveyors shall receive as full compensation for the running and marking of said lines, five dollars per day, and shall be paid for all reasonable expenses, by the treasurer of the parish interested, on the warrant of the parish recorder of his parish.

Surveyor's compensation.
3.

26. If any parish surveyor shall neglect to perform any of the duties prescribed by this act, or shall fail to attend at the time and place fixed for commencing the running and marking as aforesaid or shall fail to run and mark as aforesaid, he shall, on conviction thereof, suffer a fine not exceeding fifty dollars, and imprisonment not exceeding ten days, at the discretion of the court.

Penalty for neglect of duty on their part.
4.

TREASURY DEPARTMENT.

HOW CONSTITUTED.

1. A department is hereby established, to be called the Trea-

Treasury Department, to consist of the offices of State Treasurer and Auditor of Public Accounts.

Treasurer and Auditor.
1847.
16 1

STATE TREASURER.

Treasurer's election.
1847
17 2

2. The Treasurer shall be elected by the two Houses of the General Assembly, in the manner pointed out by the Constitution, and in accordance with the provisions and requirements thereof, within the first ten days of each regular session thereof, who shall hold his office for the term of two years, and until his successor is elected and qualified.

Duty of the secretary of the Senate and clerk of the House.
1815
40, 3

3. At every election of the State Treasurer by the General Assembly, it shall be the duty of the secretary of the Senate and the clerk of the House of Representatives to transmit to the Governor an extract from the journals of such election, stating the name of the person who shall have been duly elected to fill that office.

Treasurer's bond.
1847.
17 3

4. The Treasurer shall within ten days after being officially informed of his election, and before he shall be commissioned, or enters on the discharge of the duties of his office, execute and deliver to the Governor a bond, payable to the Governor for the time being, and his successors in office, in the sum of fifty thousand dollars, with not less than five good and solvent securities, freeholders within and citizens of this State, to be approved of by the Governor and Senate, conditioned for the faithful performance of all the duties required or which may be required of him by law ; and if he fail to give such bond and security within the ten days, the office shall be deemed vacant, and the General Assembly shall immediately proceed to fill such vacancy by the election of some other person.

Duty to be performed by each security.
1847
17 4

5. Each security, when he signs the Treasurer's bond, shall write down in words at length, opposite his name on the left, the amount he is willing to swear he is worth, and shall make oath before the Governor, or before some judge or justice of the peace of this State in writing, to be laid before the Senate by the Governor, that he believes himself to be worth the sum written opposite his name, after the payment of all debts which he is liable for ; and said securities shall be bound in solido.

Bond to be endorsed and kept.
1847
17 5

6. The Governor shall endorse on said bond his approval thereof, and the president of the Senate shall also endorse thereon, that it is approved of by the Senate ; and the said bond so endorsed shall be delivered by the Governor to the secretary of State, who shall record and keep the same in his office.

Treasurer's commission.
1847
17 6

Oath.

7. The treasurer shall be commissioned by the Governor, and before entering upon the discharge of the duties of his office, shall take and subscribe the oath prescribed in the eighty ninth article of the Constitution, which shall be endorsed on his commission ; but said commission shall not be issued by the Governor until the bond and security required hereby shall have been executed and approved of by the Governor and Senate.

Duty of treasurer.
1847
17 7

8. It shall be the duty of the Treasurer to :

First. Receive and safely keep all the monies of this State, not expressly required by law to be received and kept by some other person.

Second. Disburse the public monies upon warrants drawn upon the Treasurer, according to law, and not otherwise.

Third. Keep a true, just, and comprehensive account of all public monies received and disbursed, in books to be kept for that purpose, in which he shall state from whom monies have been received and on what account, and to whom and on what account disbursed.

Fourth. Keep a true and just account of each head of appropriations made by law, and the disbursements under the same.

Fifth. Render his account to the Auditor of Public Accounts quarterly or oftener, if required for settlement.

Sixth. Report to the Governor, ten days prior to the commencement of each regular session of the Legislature, to be by him laid before each House thereof with his message, a detailed statement of the condition of the treasury, and its operation during the two preceding fiscal years.

Seventh. Give information in writing to either House of the General Assembly whenever required, upon any subject connected with the treasury, or touching any duty of his office.

Eighth. Perform all such other duties as may be required of him by law.

9. The Treasurer shall grant duplicate receipts under the seal of his office, for all sums of money paid into the treasury ; and the person receiving the same shall deposit one of them with the Auditor, who shall credit such person, accordingly, and charge the treasury with the amount.

Duplicate receipts
1847
18 8

10. When the Treasurer pays any warrants drawn by the Auditor, he shall write on the face thereof, and sign his name thereto, and date thereof.

Warrants drawn by
Auditor, signed, &c.
1847
9

11. The Treasurer shall pay over all money that may be due, or may hereafter become due from the State to any person or corporation, into their own hands, or by order or warrant from them as the case may be, and in no other manner whatever, any order of seizure or attachment to the contrary notwithstanding.

Money due by the
State to individuals
not liable to sei-
zure.
1825
126

12. If the Treasurer shall wilfully and illegally refuse to pay any warrant lawfully drawn upon the treasury, having funds in hand to pay the same, he shall be deemed guilty of a misdemeanor in office, and upon conviction thereof, shall be fined in a sum not less than five hundred dollars, for the use of the State ; and shall forfeit and pay to the holder of such warrant, four fold the amount thereof, to be recovered in a suit before any court of competent jurisdiction against him, and securities on his official bond.

Treasurer refusing
to pay, &c.
1847
18 10
Penalty.

13. It shall be the duty of the treasurer to deposit all monies belonging to the State, which may come to his hands, within three days after the receipt thereof, in the bank of Louisiana, or one of its branches, and shall keep an account with said bank, showing the date and amount of each particular deposit made in said bank ; Provided, the treasurer may, with the consent of the Governor, remove the public monies from the said bank or its branches, should he deem them unsafe, and place them in such bank or other place of safe keeping as may be approved by the Governor ; and in such event, he shall be required

Monies, when de-
posited.
1847.
11.

Proviso.

to report his reasons at the next session of the General Assembly.

TREASURY DEPARTMENT.

State treasurer to
appoint attorneys in
certain cases.

1845
68, 26

14. The State treasurer is empowered to employ and appoint attorneys to examine the proceedings in vacant successions and absent heirs, and to collect what sums should have been paid by the curators of said vacant estates; and for their fees said attorneys thus employed shall receive ten per cent. on all monies which they may cause to be paid into the State Treasury.

Salary of treasurer.

1847
19 14

15. The State treasurer shall receive an annual salary of four thousand dollars, to be paid quarterly upon his own warrant, countersigned by the auditor of public accounts.

AUDITOR OF PUBLIC ACCOUNTS.

Election of auditor.

1847
15

16. There shall be elected by the qualified voters of this State, at the general election thereof, an auditor of public accounts, who shall hold his office for two years, and until his successor is duly installed, which said election shall be conducted according to the existing laws, at the time and place of voting for representatives, and in the same manner as is prescribed by law for voting for Governor and Lieutenant-Governor of this State; and the returns of said election shall be sealed up and transmitted by the returning officer to the Secretary of State, who shall deliver them to the Speaker of the House of Representatives, on the second day of the Session then next to be holden. The members of the General Assembly shall meet in the House of Representatives and count the votes; the person having the greatest number of votes shall be declared duly elected; but if two or more persons shall be equal and highest in the number of votes polled for auditor, one of them shall immediately be chosen auditor by joint vote of the members of the General Assembly.

Auditor's bond.

1847
16,

17. The auditor, within thirty days after being officially informed of his appointment or election, shall execute and deliver to the Governor, a bond payable to the Governor, for the term, and his successors in office, the sum of ten thousand dollars, with not less than five good and sufficient securities, who shall be bound in solido, to be approved of by the Governor, conditioned for the faithful performance of all the duties required, or which may be required of him by law; and should he fail to give such bond and security, within the time required, the office shall be considered vacant, and the Governor shall immediately appoint, by and with the assent and advice of the Senate, some other person to fill said office.

Auditor's com-
mission and oath of
office.

1847.
20, 17.

18. After giving the bond and security required, the auditor shall be commissioned by the Governor, but before entering upon the discharge of the duties of his office, he shall take and subscribe the oath prescribed in the eighty-ninth article of the Constitution, which shall be endorsed upon his commission.

Auditor to be ac-
countant of the
State, and keeper
of all books, etc.

1847
11; 18

19. The auditor of public accounts shall be the general accountant of the State, and keeper of all public accounts, books, vouchers, documents, and all other papers relating to the accounts and contracts of the State, and its revenue debt and fiscal affairs, not required by law to be kept by some other person.

20. It shall be the duty of the auditor to prepare, digest and report to the General Assembly, at the commencement of each regular session :

Duties of Auditor.

1847 19

First. A full and detailed statement of the condition of the revenue, and the amount of the expenditures for the two preceding fiscal years.

Second. A full and detailed statement of the public debt.

Third. Estimates of the revenues and expenditures for the two succeeding years.

Fourth. Such plans as he may deem expedient for the support of the public credit, for lessening the public expenses, for promoting frugality and economy in the public offices, and generally, for the better management and more perfect understanding of the fiscal affairs of the State.

Fifth. A tabular statement, showing separately the whole amount of each appropriation of public money made by law, the amount paid under the same, and the unexpended balance, if any.

Sixth. A tabular statement, showing separately the whole amount of money received into the treasury from all sources, in each fiscal year, and the amount received from each parish, and from each source of revenue in each parish.

21. It shall be the duty of the auditor to :

Further duties of Auditor.

1847 20

First. Audit, adjust and settle all claims against the State, payable out of the treasury, except such claims as may be expressly required by law to be audited and settled by some other officer or person.

Second. Draw all warrants upon the treasury for money, except only in cases otherwise expressly provided for by law.

Third. Express in the face of every warrant which he may draw upon the treasury for money, the particular fund appropriated by law, out of which the same is to be paid.

Fourth. Audit, adjust and settle the accounts of all collectors of revenue, and other holders of the public money, who are required by law to pay the same into the treasury.

Fifth. Keep an account between the State and the State treasurer ; and report to the Governor, quarterly, the amount of money in the hands of the treasurer, belonging to the State.

Sixth. Keep an account of all debts and credits between the State and the United States, and between the State and every other State officer or person with whom the State may have dealings, and of every separate fund in the treasury, authorized by law, and shall also keep an account, under appropriate heads, of all monies which may have accrued for special purposes.

Seventh. Direct prosecutions in the name of the State, for all official delinquencies in relation to the assessment, collection and payment of the revenue, against all persons who, by any means, become possessed of public money or property, and fail to pay or deliver the same, and against all debtors of the State.

Eighth. To procure from the proper officer an abstract and descriptions of all taxable lands within the State, and annually hereafter, abstracts and descriptions of all lands as shall become taxable, and furnish the assessor of State taxes in each parish, on

the first Monday of January, annually, a descriptive list of all taxable lands in such parish, and the proper form of an assessment roll for the use of the assessor.

Ninth. Give information, in writing, to either House of the General Assembly, whenever required, upon any subject relating to the fiscal affairs of the State, or touching any duty of his office, and perform all such other duties as may be required of him by law.

Tenth. To have the sole superintendence and direction, under the authority of the United States, of the school lands, ascertaining that proper locations of the same have been and are made, and where such shall prove not to be the case, by reason of conflicting claims, or natural defects, shall promptly apply for, and as soon as possible obtain a re-location of any part or parts that may be so situated.

Collectors of revenue, &c., to produce vouchers and documents to auditor, &c., for settlement, &c.

1817

21, 21

1848

39, 14

Manner in which Auditor shall settle with collectors, &c.

1847

216,

22. On or before the first day of March, annually, the collectors of the revenue, and all other persons bound by law to pay money into the treasury of the State, shall produce and exhibit their vouchers and documents to the auditor of public accounts, to be audited, adjusted and settled; and the auditor shall proceed without any unnecessary delay, to audit, adjust and settle the same, and report to the treasury the balance found due.

23. The auditor of public accounts is authorized to audit and settle accounts of any collector of State taxes, and to allow any of said collectors a credit for taxes assessed upon any person who has become insolvent, or to whose estate no administrator, executor or syndic has been appointed, or who can not be found after diligent search, or in any case wherein error has been made, either in the name of the person or in the description of the property assessed, or where the property has not been assessed in the name of the real owner thereof, or whenever property or persons exempt from taxation have been included in the tableau or have been assessed more than once in the same tableau; Provided, that any collector who shall claim any such credit, shall furnish the said auditor his affidavit, taken and subscribed before any justice of the peace, or judge of the district court, in which he shall set forth the name or names of the persons so assessed, and also the names of persons who have become insolvent, and as the case may be, have left the parish without having therein sufficient property to pay the tax assessed on the same, and that he used due diligence to collect the same, but was unable to do so. And state to what place or parish any such person may have removed, if known to him.

Certificate to be given in certain cases to collectors, &c.
1847

24. Any collector who may have paid into the treasury of this State any amount of taxes which he may claim not to have collected, in consequence of the insolvency or removal of any person from the parish in which such person was assessed, as the case may be, or any excess which he may have collected in consequence of their being no officer or tribunal, authorized to correct the assessment rolls, upon furnishing to the auditor of public accounts the proof provided for in the preceding section, who shall certify the fact to the treasurer of this State, and the amount with which such collector ought to be credited, shall be entitled

to have the same refunded; and the treasurer is hereby authorized to refund to such collector the amount so certified by the auditor to be due such collector.

25. If any collector of the revenue of the State shall fail or neglect to make his final settlement, as provided in section seventy-one of the title ——— relating to the revenue of the State, and pay the amount due into the treasury, and obtain the treasurer's receipt therefor, the auditor shall proceed against him and his securities, as provided in section seventy-two of the said title ——— relating to the revenue of the State. And if any other person bound to pay money into the State treasury, shall neglect or fail to pay the amount found due into the treasury, within sixty days after it is so due, and produce the treasurer's receipt therefor, to the auditor, within twenty days after the settlement above required, the delinquent shall forfeit the commission allowed to him by law, and interest at the rate of five per cent. per month, on the sum withheld, to be computed from the time the same ought to have been paid until actual payment; and the auditor shall charge such delinquent accordingly, and immediately after such delinquency shall occur, issue a warrant of distress, which shall have the force and effect of a writ of fieri facias against such delinquent, and his sureties, directed to the sheriff or coroner, as the case may require, of the proper parish where such delinquent may reside. And it shall be the duty of such sheriff or coroner to levy and collect the same, together with the forfeiture and penalty stated in said writ, by seizure and sale of the moveable and immovable property of such delinquent; and for want of sufficient property of such delinquent to satisfy such warrants, then by seizure and sale of the moveable and immovable property of the securities of such delinquent; and the property of the delinquent and his securities so seized, shall be sold for cash, without appraisal, in such manner and at such time and place as is prescribed by law, for advertising and selling property by virtue of a writ of fieri facias; and the money raised from the sale thereof shall be accounted for, and paid into the treasury, by such sheriff or coroner, within sixty days from the sale thereof.

26. The officer collecting money by virtue of a distress warrant, shall receive a commission of two and a half per cent. upon the amount collected by him, as a compensation for collecting and paying the same into the treasury.

27. All persons having claims against the State, shall exhibit the same, with the evidence in support thereof, to the Auditor of Public Accounts, to be audited, settled, and allowed, within two years after such claim shall have accrued; and no claim or debt shall be allowed against the State, as an offset, but such as shall have been exhibited to the auditor, and by him allowed or disallowed, except only when it shall be proved that the claimant or creditor has vouchers, which he could not produce to the Auditor, or was prevented from exhibiting the same to the Auditor by sickness, unavoidable accident, or absence from the State.

28. Whenever the Auditor may think it necessary to the proper settlement of any account, he may examine the parties, witnesses and others, on oath or affirmation, touching any fact mate-

On failure of collector, &c., to make final settlement.

1848

40, 15

1850

143, 61

Act 1850

143, 62

Forfeiture of delinquent collector.

1847

21, 22

Warrant of distress issued.

Sheriff or coroner to collect, &c.

1847

" 23

Remuneration of the officer collecting on a distress warrant.

1847

21, 24

1847

176, 65

All claims against the State Auditor, &c.

1847.

22, 25

Auditor may examine witnesses, &c.

1847.

26

rial to be known in the settlement of such account; and for that purpose may issue subpoenas, or commissions, or compel witnesses to attend before him and give evidence in such manner and by such means allowed by Courts of law.

Accounts, vouchers, &c., preserved by Auditor.
1847.
27

Pay warrant.
1847.
28

Form of warrant.

29. The Auditor shall preserve in his office all accounts, vouchers, and documents, settled by him, and shall give to any person interested therein, who may require the same, copies thereof, duly authenticated by his official seal.

30. In cases of accounts audited and allowed against the State, and in all cases of grants, salaries, pay and expense allowed by law, the Auditor shall draw a warrant upon the Treasurer for the amount due, in the following form, to wit:

No.

State of Louisiana,
Auditor's Office,

I certify that the sum of _____ dollars and _____ cents is due by the State of Louisiana to _____ for _____; and I do hereby direct that the Treasurer of the State of Louisiana pay to the said _____ or order, the sum of _____ dollars and _____ cents out of the funds appropriated for that purpose.

Auditor.

No warrant paid unless by virtue of previous appropriation.
1847.
29

All warrants to be numbered, &c.
1847.
23. 30

Duty of Auditor when persons are dissatisfied with his decisions.
1847.
31

In cases of just claims, for which no appropriation was made.
1847.
32

Certificate of payment.
1847.
33.

Accounts unsettled reported.

31. No warrant shall be drawn by the Auditor nor paid by the Treasurer, unless the money to pay the same has been previously appropriated by law; nor shall the whole amount drawn for, or paid under any one head, ever exceed the amount appropriated by law for that purpose.

32. The Auditor shall number, progressively, all warrants drawn by him during each year, commencing on the first of January and ending on the thirty first of December, on the Treasury for the payment of money, and enter them in a book to be kept for that purpose, in such a manner as to show the number, date, and amount of each warrant, the name of the person in whose favor drawn, and for what purpose drawn.

33. It shall be the duty of the Auditor, at the request of any person interested, who may be dissatisfied with his decision upon any claim, account, or credit, exhibited to him to be audited, adjusted, and settled, to refer the same, with his reasons for such decision, to the General Assembly without delay.

34. In all cases where the law recognizes a claim for money against the State, and no appropriation by law shall have been made to pay the same, the Auditor shall audit and settle the same, and give the claimant a certificate of the amount thereof, under his official seal, if demanded, and shall report the same to the General Assembly, with as little delay as possible.

35. Whenever any person indebted to the State, on any account whatever, shall present to the Auditor the Treasurer's receipt for the full payment of the amount due, it shall be the duty of the Auditor to furnish said person with a certificate under his hand and official seal, of his having made full payment of all demands against him in favor of the State.

36. The Auditor shall report to the General Assembly within ten days after the commencement of each regular session, a list of all the collectors of the revenue, and all other persons, holders

of public monies, whose accounts have remained unsettled for the space of one month after they ought to have been settled according to law, and the reasons therefor.

37. It shall be the duty of the Auditor, when collectors of the revenue or holders of the public money shall fail to pay the amount due by them into the Treasury within the time prescribed by law, to publish the names of all such defaulters, within thirty days after such default, in four newspapers, printed at the most public places in the State, ten days, with the amounts respectively due by each; and the amounts so due, together with the penalties and forfeitures herein prescribed, shall be a lien upon the real and personal estate of such defaulter and his securities from the time of such defalcation.

38. If the auditor shall knowingly issue any warrant upon the treasury or upon the treasurer, not authorized by law, he shall be deemed guilty of a misdemeanor in office, and upon conviction thereof before any court of competent jurisdiction, shall be fined in a sum not less than double the amount of said warrant, for the use of the State, and be imprisoned in the penitentiary at hard labor, for a term of years not less than five.

39. It shall be the duty of the auditor of public accounts:

First, To require all auctioneers in the city of New Orleans to keep, in a book to be provided at the expense of said auctioneers and to be by the said auditor numbered from the first to the last page, a correct and true account of all sales made by them from day to day, showing the date of each sale, the name or names of the seller and buyer, and the amount of said sale.

Second, To call, as often as he may deem proper, on any auctioneer, and require the production of any books or accounts, kept by the said auctioneer in the ordinary course of his business as such.

Third, To examine and compare with the books the account to be rendered by all auctioneers as hereinafter specified, and certify the same under his hand; he shall copy into a book to be kept by him the account so examined, and mention the day on which it was presented.

Fourth, To publish in the State paper, on the first day of April of each year, the names of all auctioneers who have complied with the provisions of law relating to auctioneers.

40. It shall be the duty of the auditor of public accounts to issue all licenses which the revenue laws of this State require to be obtained by persons pursuing avocations, trades, and professions, taxable by the laws of this State.

41. The auditor shall deliver or transmit to each collector of the revenue, as many blank licenses, bearing the signature of the auditor, as may be required in each parish or collector's district; and shall debit such collector with the tax chargeable thereon; and such collector shall account therefor, and pay into the treasury the amount he may have received for said licenses, or so many thereof as he may have disposed of, and return the balance to the auditor.

42. It shall be the duty of the auditor of public accounts to prepare, and furnish, at the expense of the State, a proper form of

1847.
34.

Names of defaulters published.

1847.

23. 35

Lien and privilege upon real and personal property.

Penalty for issuing warrants unauthorized by law.

1847.

16, 36

His duties as to auctioneers.

1839.

98; 1

1847.

25, 26, 50 & 51

Issuing of licenses.

1847.

16; 53

Auditor to transmit blank licenses, &c., to collectors, &c.

1847.

26; 54

Auditor to furnish a form of assessment roll.

assessment roll for the use of the assessors, so as to exhibit not only the objects of taxation, the persons taxable, the different species and value of all kinds of property in this State, and the amount of tax assessed thereon, but also the kind, quality, and value of the annual product of this State, and income of the various trades, avocations, and professions therein.

Certain powers
given to the auditor
in settling with
certain debtors of
the State.

1848.
106. 1

43. The auditor of public accounts is authorized and required to enforce payment of all the old bonds and obligations due the State from collectors of taxes, or otherwise; and whenever he shall be satisfied, either from his own knowledge of the fact, or by returns already made on executions or writ of fieri facias, that the State cannot make the amount due on such bonds or obligations by compulsory measures, then, and in such case, the said auditor shall be, and is hereby authorized and required to enter into such arrangements, and make such compromises, either with the principals or their securities, as he may think in his judgment most advantageous to the State, and to cancel such bonds or obligations upon payment of a portion thereof; and he shall report to the legislature the action he has taken, and his reasons therefor.

Salary
1848.
88, 1

44. The auditor of public accounts shall receive a salary of four thousand dollars.

PROVISIONS IN RELATION TO BOTH THE TREASURER AND AUDITOR.

Where Treasurer
and Auditor shall
reside.

1847.
66; 37
Seal of office,
1847.
24, 38.

45. The treasurer and auditor shall reside at the seat of government, keep their respective offices in a fire-proof building to be provided by the State.

46. They shall each keep a seal of office, to be furnished at the expense of the State, which shall be used to authenticate all writings, papers, documents, &c., certified from either of said offices respectively.

Letter book.
1847.
" 39

47. They shall each keep a letter book, in which shall be copied all official letters which may be written by them respectively.

Administer oaths.
1847.
" 40

48. They shall have authority and power, each, respectively, to administer oaths required or allowed by law in matter touching the duties of their offices.

Access to each
others' offices.
1847.
" 41

49. The treasurer and auditor shall have free access to each others' offices, and to all offices of the State for the inspection of all books, accounts, and papers which may concern any of their respective duties.

Fine and imprisonment
for misdemeanor
in office,
1847.
16, 42

50. If the treasurer or auditor shall wilfully neglect or refuse to perform any duty enjoined by law, or shall be guilty of any oppression or extortion in the performance of any legal duty, shall receive any fee or reward for the performance of any legal duty not allowed by law, or by color of his office, shall knowingly do any act not authorized by law, or in any other manner than is required by law, or shall illegally use or misapply any of the monies belonging to the State, shall be deemed guilty of a misdemeanor in office, and upon conviction before any court of competent jurisdiction, shall be fined in a sum not less than one thousand dollars, and be imprisoned in the penitentiary at hard labor for a term of years not less than five.

51. It shall be the duty of the treasurer and auditor to submit all their books, accounts, vouchers, and other official documents in their respective offices to a joint committee of the general assembly, to be appointed immediately after the commencement of each regular session, for examination and settlement, and whenever and as often as the general assembly may think proper to order such examination and settlement.

Accounts, books, &c. to be submitted to the General Assembly, 1847, 24; 43

52. It shall be the duty of the general assembly to appoint such committee at the commencement of each session, and said committee shall examine the books, accounts, vouchers, and other official documents of the treasurer and auditor, and to make a full and detailed report thereof to both houses of general assembly.

Examination of books, 1847, 24; 44

53. If such report be favorable to said officers, and be approved of by each house, an order shall be made directing the said committee to cause the proper entries to be made in the books of the treasurer and auditor, showing the result of said settlement.

Favorable report, 1847, 25; 45

54. If such committee shall make an unfavorable report and find that either the treasurer or auditor has not performed the duties required of him by law, or that either of them have been guilty of either of the misdemeanors in office prescribed in the thirty eighth and fiftieth sections of this title, and such report be approved of by both Houses of the General Assembly, an order shall be made, directing the Governor to cause suit to be brought against such delinquent on his official bond for the penalties and forfeitures herein prescribed in this Act, and such delinquent on conviction shall be suspended from the discharge of the functions of his office, and be adjudged incapable of being again appointed or elected to such office.

Unfavorable report 1847 46

55. In case of death, sickness, absence from the State, removal from office, resignation or impeachment of the treasurer or auditor, the Governor, when he may deem it essential for the public service, shall make an appointment for the time being of some suitable person to perform the duties of such officer, until a successor can be appointed or elected according to the Constitution and this Act, or until such absence or disability shall cease.

The Governor to appoint in cases of vacancy. &c. 1817 47

56. The person appointed by the Governor under the provisions of the preceding section, shall give the same bond and security and receive the same compensation allowed by law to the officer whose duty he is appointed to perform, in proportion to the time he shall be engaged in such service, and in all cases the sum so allowed to the person so appointed, shall be deducted from the salary of the officer whose office he may have been appointed to fill temporarily.

Bond. 1847 48

57. Immediately after the appointment or election and qualification of any treasurer or auditor, or the resumption of his duties by either officer, if in the mean time a treasurer or auditor pro tempore shall have been appointed, the General Assembly, if in session, if not, the Governor, shall cause a settlement to be made of the accounts or the former treasurer or auditor, or treasurer or auditor pro tempore, remaining unsettled, and causing a certificate of such settlement to be made out and delivered to

Settlement made of accounts, &c., of former treasurer or auditor. 1847. 25, 49

the person entitled thereto; showing the balance, if any, of money securities and effects for which he is accountable, and what has been delivered to his successor.

Contingent expenses.

1847.
26, 57

58. The treasurer and auditor shall be authorized to draw from the treasury a sum not exceeding three thousand dollars for the contingent expenses of their respective offices, embracing clerk hire, stationary, fuel, and all other expenses; of which fifteen hundred dollars shall be applied to the treasurer's office, and fifteen hundred dollars to the auditor's office, each officer to account for the amount so expended in their respective offices.

Internal Improvement fund, when it may be used.

1848
122,

59. The auditor of public accounts and the State treasurer are hereby authorized to use, should the state of the treasury make it indispensably necessary, the monies derived from the sales of the Internal Improvement lands now in the treasury, or that may hereafter be paid into the treasury, to meet the current expenses of the government, or such appropriations as have been or may be made by the Legislature; Provided that such amount so used out of the said fund be considered as a loan, and be returned out of the amount to be received into the treasury from the collectors of taxes now in the course of collection, as soon as the said taxes shall be collected; Provided, further, that nothing herein contained shall be so construed as to prevent or retard the payment of any sums now due or becoming due from the internal improvement fund.

FUNDS, AND THE DISPOSAL OF THE SAME.

The per centage from sales of public lands, to constitute a free school fund.

1847
188, 1

60. The ten per cent of the nett proceeds of the sales of the public lands which have and are to accrue to this State under the act of Congress, entitled, "An act to appropriate the proceeds of the public lands, and to grant preemption rights," approved fourth september, eighteen hundred and forty-one, shall be held by the State as a loan, and shall be and remain a perpetual fund, to be called the free school fund, on which the State shall pay an annual interest of six per cent.

Duty of the treasurer in relation to the free school fund.

1847
188, 1

61. It shall be the duty of the treasurer of the State to apply annually, and to receive from the General Government the said ten per cent of monies now due, and to become due to this State, and to place the same when received to the credit of the proper fund and report thereon to each session of the General Assembly.

Establishment of a road and levee fund.

1848
63, 1

62. The unexpended balance on the sixteenth March, eighteen hundred and forty eight, together with all that may hereafter be received from the five per centum of the nett proceeds of the sale of the public lands of the United States in this State, appropriated by the fifth section of an act of Congress, approved February sixteenth, eighteen hundred and eleven, for roads and levees, be and the same is hereby set apart for that purpose, to be called the "road and levee fund:" to be expended for the sole purpose of making roads and levees; and that the unexpended balances of the appropriations made by the provisions of the acts number one hundred and fifty one, approved April twenty-fourth, eighteen hundred and forty seven, and number two hundred and seventeen, approved twenty eighth April, eighteen hundred and forty seven, and the resolution number one hundred and seventy nine, approved twenty-eighth April, eighteen hundred and forty seven,

together with any and all appropriations made, or that may be made, for roads and levees, shall be charged to said fund, and no other.

63. The unexpended balance in the treasury on the sixteenth March, eighteen hundred and forty-eight, together with all that may thereafter be received from the proceeds of the public lands granted to the State by an act of Congress, approved September fourth, eighteen hundred and forty one, shall be set a part as a special fund, to be called the "internal improvement fund", and the salaries of the State engineer and assistant, also the salaries of the superintendents, engineers and mates of the State boats, together with all expenses that may be incurred for the support of said boats, the hands and slaves, and for tools and apparatus, shall be charged to said internal "improvement fund", except in the cases stated in the succeeding section, and all the unexpended balances of appropriations for internal improvements made by virtue of the acts number fifty-eight, approved February twenty sixth, eighteen hundred and forty-seven; number seventy, approved ninth March, eighteen hundred and forty-seven, numbers one hundred and seventy four and one hundred and ninety four, approved twenty eighth April, eighteen hundred and forty seven, numbers two hundred and eleven, two hundred and forty seven, approved third May, eighteen hundred and forty seven, number two hundred and sixty eight, approved fourth May, eighteen hundred and forty seven, together with all other appropriations that have or may be made for internal improvements, be also charged to the said internal improvement fund, designating each specific appropriation.

Establishment of
an internal impro-
vement fund.

1848.

63, 2

64. The auditor of public accounts and the State treasurer be, and they are hereby authorized to use, should the state of the treasury make it indispensably necessary, the monies derived from the sale of the internal improvement lands now in the treasury, or that may hereafter be paid into the treasury, to meet the current expenses of the government, or such appropriations as have been or may be made by the legislature. Provided, that such amount so used out of the said fund be considered as a loan, and be returned out of the amount to be received into the treasury from the collectors of taxes now in the course of collection, so soon as the said taxes shall be collected; Provided, further, that nothing herein contained shall be so construed as to prevent or retard the payment of any sums now due or becoming due from the internal improvement fund.

Auditor and treasur-
er authorized in
certain cases to
use the internal
improvement funds.

1848

152, 1

65. All monies which may be received into the treasury from and after the first day of January, eighteen hundred and forty-nine, from the sale of any property belonging to this State, from the sale of any stocks, or from any dividends due or to become due, from any bank or banks, not otherwise appropriated; or from any taxes due prior to the first day of January, eighteen hundred and forty-seven, or from any money now in the treasury belonging to the seminary fund, or free school fund, established by articles one hundred and thirty-five and one hundred and thirty-six of the constitution, or any monies which may, after the nineteenth of December, eighteen hundred and forty-eight, be received

Appropriation for
the purchase, at a
rate not above par,
of bonds of the
State.

1848

16,

into the treasury belonging to said seminary fund, or said free school fund, which are by law required to be invested into a permanent fund, arising from the tenth per cent. of the nett proceeds of the public lands of the United States accruing to this State, or from any other source whatever; or any unappropriated surplus of the internal improvement fund, and any unappropriated surplus of the road and levee fund, remaining in the treasury at the end of each and every fiscal year, commencing on the first of January next, eighteen hundred and forty-nine; and any monies in the treasury at the end of each and every fiscal year, exceeding by fifty thousand dollars the necessary expenditures, and appropriations, according to the existing laws, shall be employed in the purchase of the existing outstanding bonds of this State not due; Provided, the same can be purchased at a rate not above par.

Duties of the auditor and treasurer, with the Governor, in regard to the purchase of State bonds.

1848
16, 2

66. It shall be the duty of the auditor and treasurer to make up a correct statement of the balances and surpluses provided for in the preceding section, at the end of each and every fiscal year; and after advertising thirty days for proposals, the said auditor and treasurer shall, with the Governor of the State, proceed to purchase such bonds as may be offered at the lowest rate or on terms most advantageous to the State.

Rate of interest allowed, &c.

1848
16, 3

67. An interest at the rate of six per cent. per annum shall be allowed on all the monies employed as stipulated in the two preceding sections, arising from the seminary fund, ten per cent. free school fund, internal improvement fund, and road and levee fund, and the same shall be carried to the credit of said funds respectively; and the interest so accruing to the road and levee fund and the internal improvement fund, together with the principal so employed, shall be reimbursed whenever the same may be required for the road and levee service or internal improvement services.

TELEGRAPH, MAGNETIC.

AUTHORITY TO CONSTRUCT THEM, &c.

On what conditions they may be constructed.

1848
33, 1

1. Any person or persons may be, and are hereby authorized to construct lines of electric telegraphs, from point to point, upon and along any of the public roads, levees and highways, and across any of the waters within the limits of this State, by the erection of the necessary fixtures, including posts, piers, abutments for sustaining the cords or wires of such lines; Provided, the same shall not in any instance be so constructed as to incommodate the public use of said roads or highways, or endanger or injuriously interrupt the navigation of said waters; nor shall this act be so construed as to authorize the erection of any bridge across any of the waters of this State. And provided, further, that such person or persons shall pay all damages which may be sustained by the owner or owners of all lands over which said lines shall pass.

Penalty for unlawfully, &c., injuring, &c., lines.

1848
2,

2. Any person who shall unlawfully and intentionally injure, molest, or destroy any of said lines, posts, abutments, or the materials or property belonging thereto, or who shall molest or interfere with, or in any way interrupt the use or operation of any

line or lines, or parts thereof, shall, on conviction thereof, be deemed guilty of a crime, and be punished by fine not exceeding five hundred dollars, or imprisonment in the penitentiary not exceeding one year, or both, at the discretion of the court having cognizance thereof.

DUTIES OF THOSE CONCERNED IN THEIR MANAGEMENT.

3. Any operator, clerk, director, messenger, or other person, in the employ of any telegraph company, having an office or station in this State, who shall refuse or omit to send or deliver any despatch or message on which the charges or fees shall have been paid or offered to be paid, or for the payment of which a contract shall have been made, or cause or direct to be detained or delayed, any despatch or message, in order to give precedence to a message or despatch subsequently brought to the office or station; or who shall in any way give precedence of time in sending or delivering any despatch or message belonging to a director, officer, stockholder of such company, or any other person, over any despatch or message previously offered for transmission; or who shall reveal, or make use of, or make public, any despatch or message, shall be subject to a penalty of not less than fifty nor more than one thousand dollars, one-half to the informer, and the other to the Charity Hospital, and shall be answerable in damages to the party injured; and for any subsequent offence, the person so offending shall also be subject to imprisonment in the parish prison, for a period of not more than three months.

Certain duties imposed on the owners, managers, &c. 1848.

49. I.

Penalty.

4. No operator or agent of the telegraph shall be permitted to transmit messages which can in any manner tend to defeat the ends of justice, by preventing the apprehension of fugitives from justice, or to communicate such information as may enable the escape of persons charged with offences, under a penalty of an imprisonment of not less than twelve months nor more than two years in the State penitentiary, and a fine of not less than two hundred and fifty dollars, nor more than five hundred dollars, one half for the benefit of the informer, and the balance for the benefit of the free public schools, recoverable before any court of competent jurisdiction.

Operator, &c not to transmit messages of a certain nature. 1848.

50. 2.

Penalty.

VAGRANTS, VAGABONDS, AND SUSPICIOUS PERSONS.

I.

Concerning those found in the State.

WHO ARE VAGRANTS.

1. All persons, who, being able to work, and having neither profession nor trade, nor any dwelling-place, nor any property wherewith to maintain themselves, shall live idle, without following some honest occupation, to procure themselves the means of subsistence; those who frequent grog-shops, gaming houses, and other disorderly places, and are not able to show what resources they possess to subsist upon, nor to produce credible testimony of their good conduct and morals; and also those who beg in the parishes where they dwell, without permission to that effect, shall be deemed idle and disorderly persons; and

Who shall be deemed vagrants. 1806.

106. 1.

Vagrants shall give security for their good behavior.

In case of refusal or inability so to do, they shall be committed to the house of correction.

Who shall be reputed vagabonds.
1806.
106. 2.

Who shall be deemed incorrigible vagabonds.
1806
106. 3

Their punishment.

Proviso.

Persons begging without permission, deemed vagabonds.
1806
106; 11

Manner of arresting vagabonds.
1806
106. 4

such as will be in any of the above cases, shall, upon conviction, be condemned to give security for their good behaviour during twelve months, to the satisfaction of the justice of the peace before whom they shall be produced or denounced, which security shall be of such sum as the said justice will deem proper to fix, and in case of refusal or impossibility on their part to give the said security, the said justice of the peace shall, at discretion, condemn them to be committed to the house of correction, to be there kept to hard labor until they give the said security, or for a time not exceeding one month.

2. All those who shall be found wandering abroad at night, or who lodge or sleep in grog-shops, or other suspicious places; in out-houses, or in the open air, and who shall not be able to give some account of themselves and their occupations, nor be avowed by some person, all persons apprehended with any pick-lock or other instrument, with the probable intention feloniously to break and enter any dwelling-house; or with any offensive weapon, with probable intent feloniously to assault any person; or who shall be found in any dwelling-house, out-house, store, yard, or garden, with probable intent to steal, shall be reputed vagabonds and suspicious persons; and those who shall be in any of the above cases, shall, upon conviction, be punished with imprisonment in the house of correction, and with hard labor, or with either, at the discretion of any justice of the peace, and according to the gravity of the case, for a time not exceeding three months.

3. All persons who, being in any of the cases mentioned in either of the two preceding sections, or who shall give a false account of themselves, after warning of the consequences, or who shall commit a second offence, shall be deemed incorrigible vagabonds, and shall, upon conviction of any of the aforesaid acts, be condemned, at the discretion of competent judges, and according to the gravity of the case, to imprisonment in the house of correction, and to hard labor, for a time not exceeding three years, nor less than six months; Provided, that nothing herein contained, may be construed to deprive any persons of the trial by jury, when it may be prayed for.

4. No individual shall be suffered to beg within the extent of the parish where he dwells, without an express permission, signed by two justices of the peace of the parish, and granted upon the certificate of two creditable house-keepers, testifying to the good conduct and morals of such individual, and that on account of his age or his infirmities, he is disabled from working; and the said permission shall not be extended beyond the limits of the said parish, otherwise the beggar shall be deemed a vagabond, and treated as such.

HOW PROCEEDED AGAINST.

5. Vagabonds, suspicious persons, and others described in the two first sections of this title, may be arrested upon a warrant of any justice of the peace of the parish where they shall happen to be.

6. It shall be lawful for any two or more justices of the peace, in case any person apprehended upon a general privy search, or

by virtue of any special warrant, shall be charged before them with being a vagabond, a suspicious person, or an incorrigible vagabond, or be suspected of some criminal intentions, or of having committed some felony, (although no direct proof be then made thereof,) to examine such person upon oath, after having duly forewarned him of the consequences of giving a false account of himself, not only as to his nation and country where he was born, the parish or place where he was last legally settled, but also as to his means of livelihood; the substance of which examination shall be put into writing, and be subscribed by the person so examined, or if he cannot sign, mention will be made of that circumstance; and the said examination shall likewise be signed by the said justices, or one of them and by them transmitted to the clerk of the District Court, at the end of the writings, to be there filed and kept on record, and if such person shall not make it appear to such justices that he has a lawful way of getting his livelihood, or shall not procure some responsible house-keeper to appear to his character, and to give security for his appearance before such justices or before the said District Court, at some day to be fixed by the said justices, it shall be lawful for the said justices to commit such person to some prison or house of correction for any time not exceeding fifteen days; and in the mean time the said justices shall order that an advertisement be inserted, at the expense of the State, in two of the public papers of the city of New Orleans, if the vagabond is arrested in the parish of Orleans, in the English and French languages, mentioning the name, surname, age, native place, residence and description of such suspicious individual arrested and imprisoned, the motives of his arrest, the articles which may have been found upon him, and which he shall be suspected not to have honestly come by, the place to which he is committed, and the time and place when and where such person is to be brought again to be examined before the said justices or before the District Court. But if said vagabond is not arrested in the parish of Orleans, the said advertisement, as aforesaid, shall be posted up at the church door or at any other convenient public place.

Vagabonds and suspicious persons, how and by whom examined.
1806.
106; 5.

Examination filed in clerk's office of the District Court,

Persons unable to give a good account of themselves, and that they have a lawful way of making a livelihood may be imprisoned,

How advertisements are to be made, in cases arising in the parish of Orleans.

In the other parishes.

7. At the expiration of the term granted by the said justices, the individuals arrested and committed as expressed in the foregoing section, shall be conducted again before them, or before the District Court of the place of such commitment, and if no charge of crime or of offence is brought against them, they shall be discharged and set at liberty; but if they are found to be in any of the cases mentioned in the second and third sections of this title, they shall be condemned to the punishment therein expressed, according to the circumstances, and at the discretion of the said justices or of the District Court, in which District Court the prosecution shall be made on a simple information, filed by the person acting in the capacity of public prosecutor in such parish.

At the expiration of the time granted, the persons arrested as vagrants, &c., shall have a trial:
1806.
106; 6

Prosecution by information.

8. If the vagrant or suspicious person thus convicted, be found to have effects sufficient to pay all or part of the expense of his arrest, the said justices of the peace or District Court may order

The effects of vagrants may be sold to pay costs.
1806.
106; 7

the same to be sold and employed for that purpose up to that amount; the balance to be returned to the offender.

Women convicted of being vagabonds, liable as men to imprisonment.

1806.

106; 9

Judges empowered to discharge persons, sentenced, &c., on certain conditions.

1806.

106; 12

1818.

110; 8

9. Women convicted to be vagabonds or suspicious persons shall be liable, as men, to imprisonment.

10. In all cases where any person may be sentenced to any punishment under the foregoing provisions of this title, the judge of the District Court of the parish where such person shall have been convicted shall have power to discharge the person so sentenced from such punishment, on such person giving bond with one or more good and sufficient sureties, in a sum to be fixed by the said judge or mayor, according to the nature of the case, conditioned that the person so sentenced will depart and forever remain out of the State; Provided, however, that such sureties shall only be responsible in case such person shall not depart out of the State within the time specified in said bond; and in case the person so convicted and sentenced, as aforesaid, shall be found at large within the State after the time mentioned in said bond for departing the State, such person shall be liable to his former sentence, and moreover to one year's imprisonment at hard labor in addition thereto.

Duty of sheriff after sentence.

1806.

106; 13.

Proviso.

11. Whenever any person shall, on conviction, be sentenced under the foregoing provisions to imprisonment at hard labor, it shall be the duty of the sheriff of the parish in which such conviction shall have been had, to carry such sentence into execution; Provided, however, that such sheriff shall have power, by and with the advice and consent of a justice of the peace of said parish, to bind out such person so sentenced as aforesaid to any house holder in the parish, to serve at hard labor during the term of time for which he shall have been sentenced to imprisonment; provided, moreover, that such sheriff shall take sufficient security, to be approved of by a justice of the peace of the parish, for the good behavior of such convict, and for the payment of the costs and fines to which such convict may be liable, which shall be recovered by the sheriff and accounted for as by this act is provided.

May be bound out, &c., during the term of sentence.

PERSONS HARBORING VAGRANTS OR SUSPICIOUS PERSONS.

Penalty for harboring vagrants.

1806.

106; 8

12. Persons harboring vagrants or suspicious persons, knowing them to be such, shall, upon conviction, be fined in a sum not exceeding five hundred dollars, nor less than one hundred dollars and be condemned to pay the whole expense accruing to the State.

Penalties, how recovered.

1806.

106; 10

13. All fines accruing under the preceding section shall be recovered at the expense of the parish, before any court of competent jurisdiction.

II.

TO PREVENT THE INTRODUCTION OF FOREIGN ONES.

Masters of ships, &c., to report persons brought as passengers, &c.

1818.

110; 1

1836.

35; 19

14. Every master of any ship or vessel arriving from a foreign country, or from any other of the United States, who shall enter his vessel at the custom-house in the city of New Orleans, shall within twenty-four hours after such entry make a report in writing on oath to the mayor, or in case of his sickness or absence to the recorder acting in his place, of the name, age, occupation and means of subsistence of every person who shall have been

brought as a passenger in such ship or vessel on her last voyage, upon pain of forfeiting for every neglect or omission to make such report, the sum of one hundred dollars for every alien, and the sum of fifty dollars for every other person neglected to be so reported as aforesaid.

Penalty for failure so to do.

15. It shall be lawful for the said mayor, or in case of his sickness or absence, for the said recorder to require every such master of such ship or vessel to be bound with two sufficient sureties to the State of Louisiana, in such sum as the said mayor or recorder may think proper, not exceeding three hundred dollars for each passenger, in case such passenger shall at any time within two years thereafter become a vagrant according to the meaning and definition contained in the first section of this title, or be found guilty of any crime, misdemeanor, or breach of the peace; and if any such person so brought as aforesaid, and not being a citizen of the United States, shall be permitted or suffered to land within the said city or in any other part within the State, from any such ship or vessel, before such bond shall have been given, and without a permission in writing from the said mayor or recorder, the master or commander of such ship or vessel shall be subject to the penalty of two hundred and fifty dollars for every person so suffered or permitted to land as aforesaid.

Master to give bond for each passenger, &c.
1818.
110; 2

16. Before granting the said written permission, it shall be the duty of the said mayor or recorder to cause every alien who may have been a passenger in any ship or vessel, to be brought before him, to examine every such alien upon oath as to his name and surname, native country, last place of residence, occupation, trade and means of subsistence, and also to take the description of the person of said alien as accurately as possible, so as to be able to identify him in case of necessity, at any time within the two years thereafter, which examination and description shall be taken down in writing on a book kept for that purpose, and signed by the party upon pain for every alien who shall refuse to submit to these formalities, of forfeiting the sum of two hundred dollars, and of being re-transported out of this State in the same ship or vessel.

Mayor or Recorder to examine aliens who have been passengers, &c.
1818.
110; 3

17. If any person who may have been a passenger in any such ship or vessel, and not being a citizen of the United States, shall be suffered to land from any such ship or vessel at any place whatever, with intent to proceed to the said city otherwise than in the said ship or vessel, the master or commander thereof shall be liable to the like penalty of two hundred and fifty dollars for every such person so suffered or permitted to land.

Penalty for suffering aliens to land with intent to proceed to the city.
1818.
110; 4

18. If any householder in the city and suburbs of New Orleans shall knowingly entertain in his house or family any alien so landed as aforesaid, and shall not report such alien to the said mayor or recorder, within twenty-four hours after such entertainment commenced, he shall forfeit and pay the sum of one hundred dollars for every such alien so entertained.

Penalty for harboring one so landed.
1818.
110; 5

19. All and singular the said penalties and forfeitures arising in the said city and suburbs, shall and may be sued for and recovered with full costs of suit by action of debt in the first district court of New Orleans, in the name of the State, and when

Penalty, &c., how recovered and appropriated.
1818.
110; 6

recovered shall be applied towards the support of the charity hospital, and the defendant in every such suit shall be held to a special bail, and upon every such trial for any penalty or forfeiture supposed to be incurred by the landing of any such alien passenger as aforesaid, the same landing shall be presumed, unless the defendant shall prove that the said person was taken or sent to some foreign country without having been suffered to land as aforesaid.

In what cases
masters are dis-
pensed with giving
bond with security.

1841.
110. 7

20. Whenever it shall satisfactorily appear to the said mayor or recorder, from any substantial document, other than a common passport, duly authenticated, by the American Consul residing in the port of departure of any said ship or vessel, that any alien passenger on said ship or vessel is of good moral character, and an active and useful mechanic, it shall be lawful for the said mayor or recorder to dispense the master or commander of the ship or vessel in which such an alien being the bearer of such authenticated document may have been a passenger, with the bond and securities mentioned in the fifteenth section of this title.

Attorney General
to prosecute.

1818.
110; 8

21. It shall be the duty of the Attorney General of the State to prosecute by information before the said first district court every person or persons coming under or within any of the provisions of the fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, and nineteenth sections of this title.

III.

IN THE CITY OF NEW ORLEANS, AND PARISH OF JEFFERSON.

Vagrants.

1841.
46; 4

22. All persons being able to work, and having neither profession nor trade, nor any dwelling place, nor any visible property wherewith to maintain themselves, who shall live idle, those who habitually frequent grog-shops or gaming houses, or other disorderly places, or are found wandering about at an unreasonable hour of the night, who are unable to show what resources they possess, or unable to produce credible testimony of their good conduct and morals; or those who lodge in out houses market places, sheds, or barns, or in the open air, and who shall not be able to give some account of themselves and their occupation, nor be avowed by some credible person; all persons apprehended with any picklock or other instrument with probable intention feloniously to break and enter any dwelling house or other house, or with any offensive weapon with probable intent feloniously to assault any person, or who shall be found in any dwelling house, out house, store, yard or garden, with probable intent to steal, or who shall give a false account of themselves after warning of the consequences, shall be deemed vagrants.

Security required
of vagrants.

1841
46, 5 and 9
1846
25, 1
1843
42, 1 and 4

23. Any person charged with any of the aforesaid offences shall, upon conviction before the mayor, or recorder, or any alderman of any of the municipalities of New Orleans, or by the district court, or justices of the peace of the parish of Jefferson, or the mayor of the city of Lafayette, be condemned to give security for their good behavior in such sum and for such time as to the said mayor, recorder or alderman of the city of New Orleans, or to the said district court or justices of the peace of the parish of Jefferson, or the said mayor of Lafayette, may appear reasonable; and in case of inability or refusal to furnish the se-

curity required, said mayor, recorder or alderman of the city of New Orleans, or the said district court or justices of the peace of the parish of Jefferson, or the said mayor of the city of Lafayette, shall thereupon be authorized to commit them to the parish jail in the city of New Orleans, or to the workhouse or house of refuge established by either of the municipalities in which such person may have been arrested, or to the parish jail in the parish of Jefferson, or to any workhouse which may be erected therein, as the case may be; Provided, however, that nothing herein shall be construed so as to bind the police jury of the parish of Jefferson, or the city council of the city of Lafayette, to construct workhouses, and that said bodies shall have a right to use, until they have constructed such workhouses, either their parish jail or one of the workhouses of the parish of Orleans, on their paying their pro rata proportion of the expense incurred by the reception of vagrants sent from the said parish of Jefferson, to be determined by the council of the municipality to whose workhouse they shall have been sent.

Imprisonment in
workhouses.

Proviso.
1841
46, 9

24. Any person who shall have been convicted for any of the offences mentioned in the twenty-second section of this title, shall, upon a second conviction upon the same, be deemed an incorrigible vagrant, and shall be condemned by the mayor, recorder or alderman of the city of New Orleans, or the district court or the justices of the peace of the parish of Jefferson, or the mayor of the city of Lafayette, as the case may be, to give security for their good behavior in such sum and for such time as to the mayor, recorder and alderman of the city of New Orleans, or to the district court or justices of the peace of the parish of Jefferson or to the mayor of the city of Lafayette, may appear reasonable; and in case of refusal or inability to furnish the security required, said mayor, recorder or alderman of the city of New Orleans, or the district court or justices of the peace of the parish of Jefferson, or the mayor of the city of Lafayette, shall thereupon be authorized to condemn them to be committed to the parish jail, workhouse or house of refuge aforesaid, there to be kept at hard labor until the security required be furnished, or for a time not exceeding one year; Provided, that nothing herein contained may be construed to deprive any person of the trial by jury when it may be prayed for.

Incorrigible va-
grants.
1841
46, 6

Penalty.

25. In any case where a person committed under this act shall claim a trial by jury, it shall be lawful for the criminal court of the first district to take cognizance of the same, and to afford a trial as is provided by law for other criminal offences; but nothing in this act shall be construed as meaning that any such person shall be released in the mean time from commitment in the workhouse, prison, or house of refuge aforesaid, until acquitted by the jury, or until the expiration of the term of commitment.

Powers of the court.
1841
46, 7

26. In cases where any person may be sentenced to punishment under the provisions of the four preceding sections, the mayor, or either of the recorders of the city of New Orleans, or the district court of the parish of Jefferson, or the mayor of the city of Lafayette, shall have power to discharge the person so sentenced from punishment, in case of conviction, on such person

Bonds required to
guarantee depar-
ture from the State
1841
46, 8

Proviso.

giving bond with one or more good and sufficient sureties, in a sum to be fixed by the mayor, or either of the recorders aforesaid, of the city of New Orleans, or the district court of the parish of Jefferson, or the mayor of the city of Lafayette, according to the nature of the case, conditioned that the person so sentenced will depart and remain out of the State, until he shall have procured the means of subsistence; Provided, however, that such sureties shall only be responsible in case such person shall not depart out of the State within the time specified in said bond; and in case the person so convicted and sentenced as aforesaid shall be found at large within the State after the time mentioned in said bond for departing the State, such person shall be liable to his former sentence, and moreover to one year's imprisonment at hard labor in addition thereto.

WEIGHERS OF HAY

IN THE CITY OF NEW-ORLEANS.

Weighers of hay to be appointed.

1833
89, 1

1842
524, 2

Security.

1833
89, 6

Allowance of a tare.

1836
181, 1

Bales to be branded

1833
89, 3

Prohibition.

1833
89, 5

Selling, &c., uninspected, &c., hay, unlawful.

1833
89, 2

Penalty.

Compensation.

1836
181, 2

1833
89, 1

1. There shall be appointed every two years, by the Governor, by and with the advice and consent of the Senate, as many weighers of hay for the city of New-Orleans as he may deem necessary.

2. The said weighers shall give security, to the satisfaction of the State Treasurer, in the sum of three thousand dollars, for the good and faithful discharge of their duties.

3. The said weighers of hay are hereby authorized and required to make a just and correct allowance of tare on all bales of hay by them weighed, in such manner as in their judgment may be fair and equal between the seller and purchaser.

4. Each bale of hay shall be branded with the name of the weigher, the correct tare, and the nett weight, under the penalty of two dollars per bale, to be recovered from said weigher before any court of competent jurisdiction for the benefit of the male orphan asylum, at the suit of said asylum, or any person who may wish to prosecute the same.

5. The said weighers shall never be interested in any sale of hay, either directly or indirectly, under a penalty of one hundred dollars for each and every contravention, to be recovered before any court of competent jurisdiction, for the benefit of the male orphan asylum.

6. It shall not be lawful for a person to sell or otherwise dispose of the article of hay, in bale or bales, in the city of New-Orleans and its incorporated faubourgs, without having had the same previously inspected and marked, agreeably to the provisions of this title, under the penalty of two dollars per bale, to be recovered before any court of competent jurisdiction, at the suit of the inspector or weigher, or any other person; which fine shall accrue for the benefit of the male orphan asylum.

7. The said weighers of hay shall receive the following compensation, and no more, to be paid by the owner, consignee, or other person importing or bringing the same into the State; Provided, the costs incurred in weighing said hay shall be supported by the weigher, to wit: for each and every bale of hay, weighing from one hundred to five hundred pounds, twelve and a half

cents ; for each and every bale of hay, weighing from five hundred to one thousand pounds, twenty cents ; for each and every bale of hay weighing over one thousand pounds, forty cents.

8. Any person or persons who shall falsify the weight, or wilfully efface the marks or brands of the weigher, shall be liable to pay a fine of twenty dollars, to be recovered before any court of competent jurisdiction, which fine shall be for the benefit of the male orphan asylum.

Penalty for falsifying, effacing, &c.
1833
89. 4

IN THE PARISH OF JEFFERSON.

9. There shall be appointed, every two years, by the Governor, by and with the advice and consent of the Senate, a weigher of hay, who shall receive as a compensation for each and every bale of hay, weighing from one hundred to five hundred pounds, ten cents per bale ; for each bale weighing from five hundred to eight hundred pounds, fifteen cents ; and for each bale exceeding eight hundred pounds, twenty-five cents ; to be paid by the owner, consignee, or person importing or bringing the same into the State ; Provided, that costs incurred in weighing said hay, shall be supported by the weigher.

Weigher appointed
1844
100, 1

Proviso.

10. The said weigher shall give security to the satisfaction of the parish recorder, in the sum of three thousand dollars, for the good and faithful discharge of his duties.

To give security
1844.
100, 6

11. Each bale of hay shall be branded with the name of the weigher, the correct tare, and the nett weight, under the penalty of two dollars per bale, to be recovered from said weigher before any court of competent jurisdiction, for the benefit of the aforesaid male orphan asylum, at the suit of said asylum, or any person who may wish to prosecute the same.

Bale to be branded
1844.
100, 3

Penalty.

12. The said weigher shall never be interested in any sale of hay, either directly or indirectly, under a penalty of one hundred dollars for each and every contravention, to be recovered before any court of competent jurisdiction, for the benefit of the aforesaid male orphan asylum, and moreover, on conviction thereof, be immediately removed from office.

Weigher not to be interested.
1844
100, 5

13. It shall not be lawful for any person to sell or otherwise dispose of the article of hay in bale or bales, within the limits of the parish of Jefferson, without having had the same previously inspected and marked, agreeably to the foregoing provisions, under the penalty of two dollars per bale, to be recovered before any court of competent jurisdiction, at the suit of the inspector or any other person ; which fine shall accrue for the benefit of the male orphan asylum of the city of Lafayette.

Hay to be inspected
1844
100, 2

Penalty.

14. Any person or persons who shall falsify the weight or wilfully efface the marks or brands of the weigher, shall be liable to pay a fine of twenty dollars, to be recovered before any court of competent jurisdiction, which fine shall be for the benefit of the aforesaid male orphan Asylum.

Fine for falsifying weights and effacing brands.
1844
100, 4

WEIGHTS AND MEASURES.

WHAT SHALL BE THE STANDARD, &C.

1. The set of copper weights corresponding with the weights of the like denomination, used by the revenue officers of the United States in their offices, together with the scales for said

Standards of weights and measures.
1846
95, 1

weights, and the set of measures calculated for dry, liquid, and long measure, of the same capacity and length as those of the like denomination used by such revenue officers as aforesaid, procured by the Governor at the expense of the State, and now deposited in the office of the Secretary of State, shall serve as a general standard of weights and measures in this State; and the stamp or seal procured therewith, and now also deposited in the office aforesaid, of the Secretary of State, shall be the State stamp or seal for the same.

Every parish to be provided with a set of weights and measures.

1846

95. 5.

Dry measure.

1846

95, 14

Coal and grain, how sold.

1846

95, 15

2. Each and every parish, as soon as practicable, shall be provided, at the expense of such parish, with a set of weights and measures, and a stamp, conformably to those mentioned in the preceding section, which shall be kept by the parish records in the several parishes of this State.

3. There shall be in this State, a dry measure, to be known under the name of barrel, which shall contain three and a quarter bushels, conformable to the American standard, and shall be divided into half and quarter bushels.

4. Coal shall be sold by the barrel or bushel measure; grain shall be sold by barrel, bushel, or weight; the legal weight of a bushel of wheat shall be sixty pounds, of a bushel of corn fifty-six pounds, of a bushel of oats thirty-two pounds, of a bushel of barley thirty-two pounds, and of a bushel of rye thirty-two pounds.

APPOINTMENT OF INSPECTORS OR SEALERS OF WEIGHTS AND MEASURES.

The Governor to appoint sealers of weights, &c.

1846

95, 2

5. The Governor shall nominate, and by and with the advice and consent of the Senate, appoint for each of the three municipalities of the city of New Orleans, a suitable person as sealer of weights and measures; and he shall also appoint, in like manner, a person in each of the respective parishes of this State, each of whom so appointed shall hold the office for and during the term of two years.

Vacancy how filled.

1846

95; 8 and 4

6. In case of vacancy by death or resignation, the Governor shall have power to appoint, and should any vacancy occur during the recess of the Legislature, it shall be the duty of the Governor to fill such vacancy or vacancies.

Inspectors may appoint assistants.

1846

95; 13

7. The persons appointed to inspect and seal weights and measures, may employ assistance when necessary, at their own expense, but shall not commit their functions to a substitute, without being subject to dismissal from office by the Governor, on good and sufficient proof.

Inspector of Jefferson, at Lafayette.

1846

95; 17

8. The inspector of weights and measures in the parish of Jefferson, shall keep his office in the city of Lafayette.

Inspectors to procure a set of weights and measures.

1846

95; 6

9. The inspectors for the three municipalities of the city of New Orleans shall each procure a set of weights and measures at the expense of the municipality for which they are appointed.

Duty of sealers.

1846

95; 3

10. It shall be the duty of the inspectors to visit all places of business in the municipality, city, or parish for which they are appointed, once in each year, and at any other time when, on complaint or by request, their services may be required, and to inspect all weights and measures used in said places of business, and when found to correspond with the standard of the

State, to seal said weights and measures, or to give a written certificate of their correctness; but when found to disagree with said standard of the State, the inspector shall forbid their further use until they shall have been corrected, approved, and sealed. It shall also be the duty of said inspectors to attend upon all calls made upon them for performing the duties of their office.

11. It shall be the duty of each inspector to see that no other weights and measures but those established by law, be made use of within the limits of this State; and in case of negligence, or breach on the part of said inspector, he shall be condemned to pay a fine not exceeding two hundred, nor less than one hundred dollars.

Further duty.
1846
95; 4

12. The Inspectors only shall have the power to stamp weights and measures, and upon said stamp shall be the initials of the Inspector's name.

Stamp of weights.
1846.
95; 9

13. The appointed sealers of weights and measures shall be entitled to and receive fees as follows: for each yearly visit and inspection of a full set of steel yards, or of scales with their weights, or of balances with their weights, or of a bushel measure and its parts, or of a gallon measure and its parts, or of a set of yard sticks, they shall receive twenty-five cents, and no more; for sealing each weight and measure, five cents; for the examination of each platform scale, cotton and tobacco scale, and its apparatus, fifty cents; and for sealing the same, fifty cents; the fees in all cases to be paid by the owner or owners of the weights and measures inspected and sealed: Provided always, that the stamp shall be impressed and payment required for doing the same, only on such as have not been stamped, or such as, having once been stamped, are found so defective as to require to be again regulated with the standard.

Fees.
1846.
95; 7

PROHIBITIONS AND PENALTIES, &c.

14. No person shall buy or sell any commodity whatsoever by weight or measure which do not correspond with the aforesaid standard, or are not stamped after the said parishes have procured the standard of weights and measures as aforesaid, nor shall keep any such weights or measures, for the purpose of buying or selling thereby, under penalty or fine of fifty dollars for each offence; besides the forfeiture of the weights and measures found to be false, and of a fine of ten dollars when the weights and measures shall be found to be just, though not stamped; said fines to be recovered before any tribunal of competent jurisdiction, one half to the benefit of the informer, and the other half to the parish in which the offender resides: All weights and measures seized shall be forfeited, for the benefit of the stamper, who shall not return them into circulation until he has made them conformable to the standard.

Prohibitions and Penalties.
1846.
95; 10

15. It is forbidden to sell, or cause to be sold, measures and weights, unless they have been tried and stamped by persons appointed for that purpose, agreeably to the provisions of this title, under the penalty imposed by the preceding section, against all persons who shall have used false weights or measures.

Weights and Measures, by whom sold.
1846
95; 12

16. Whoever shall make, or cause to be made use of, or who

Persons using
false stamps,
1846.
95; 11

shall utter false stamps or scales, shall on conviction before the District Court where the offence was committed, be subject to all the pains and penalties of forgery, under the laws of this State.

Returns made by
Inspectors.
1846.
95; 16

17. It shall be the duty of each Inspector for the three Municipalities in the city of New Orleans, to make quarterly returns, under oath, to the Treasurer of the State, of all the monies collected for fines, together with a written statement thereof.

POWER GIVEN IN RELATION TO THEM, TO THE COUNCILS
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Regulations,
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18. The Council of each Municipality shall be and are hereby authorized to pass such regulations or ordinances relative to the police of said weights and measures, and to insure within the city of New-Orleans the execution of the present Act; Provided, however, that said ordinances or regulations do not contravene the provisions of this title.

Proviso.

APPENDIX.

BIRTHS AND DEATHS, RECORDATION OF IN THE PARISH OF ORLEANS.

SEC. 1. That after the passage of this act, the birth of every free child in the parish of Orleans, shall be declared therein within thirty days. This declaration shall be made conformably to the third section of the chapter on births and deaths and every person offending against these provisions shall pay a fine not exceeding ten dollars, half of which shall be for the benefit of the State and the other half for the benefit of the informer.

Births to be recorded within 30 days.

Penalty.

SEC. 2. The death of every free person within the parish of Orleans shall be declared therein within thirty days. This declaration shall be made by the nearest relations to the deceased if they are present, and in case of absence by the testamentary executor if there is one; if none, by the owner or tenant of the house in which the individual shall have died. And every person offending against the provisions of this section shall be fined in a sum not exceeding ten dollars nor less than five dollars.

Deaths.

Penalty.

Act of March 6th, 1819.

POWERS OF CITY COUNCILS TO PREVENT CONFLAGRATIONS.

SEC. 1. The city councils of the incorporated cities of this State are vested with full powers to punish with a fine not exceeding the sum of eight hundred dollars, any contravention of the police regulations by which any individual is forbidden to keep in his house or place of residence, more than a certain quantity of gun powder as fixed by the said police regulations, and to apply a part of the said fines to the informers of the said offences and the other part to the benefit of the corporations of said cities; and the recovery of the said fines shall be sued for before the respective district courts.

Fine for keeping more than a certain quantity of gun powder in incorporated cities.

SEC. 2. In case of any conflagration happening in the said cities or towns, the mayor or other chief officer of said city, shall have power to require from the commanding officer of the militia of said place, to put at his disposal such number of the said militia as he will think necessary to make patrols and maintain the good order as long as the said conflagration continues; and it shall be the duty of the commanding officer to furnish such part of the said militia, which shall be thus required from him.

Authorizes mayor to call out militia during fire.

Act of Feb. 28th, 1828.

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